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FIRST REPORT

OF THE

CONSTABULARY FORCE COMMISSIONERS.

FIRST REPORT

OF THE

COMMISSIONERS

APPOINTED TO INQUIRE AS TO THE BEST MEANS OF ESTABLISHING AN EFFICIENT

CONSTABULARY FORCE

IN THE COUNTIES OF

ENGLAND AND WALES.

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COMMISSION.

WILLIAM the FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To our trusty and well-beloved Charles Shaw Lefevre, Esquire, Charles Rowan, Esquire, Lieutenant-Colonel in Our Army, and Edwin Chadwick, Esquire, greeting: Whereas we have thought it expedient that a Commission should forthwith issue for the purpose of Inquiring as to the best Means of Establishing an Efficient Constabulary Force in the Counties of England and Wales, especially with a view to the Prevention of Offences, and also with regard to any proceedings before Trial by which the Detection and Apprehension of Criminals may be rendered more certain; and also for Inquiring as to any public Services which may be obtained from such a Force, either in the Preservation of the Peace and the due Protection of Property, or by enforcing a more regular Observance of the Laws of the Realm; and also for Inquiring as to the Manner in which such a Force should be appointed and paid. Now know ye, that We, reposing great trust and confidence in your zeal and ability, have authorized and appointed, and do by these presents authorize and appoint, you, the said Charles Shaw Lefevre, Charles Rowan, and Edwin Chadwick, or any two of you, to be Our Commissioners for the purposes aforesaid. And we do hereby authorize and empower you Our said Commissioners, or any two of you, to obtain information thereupon by the examination of all Persons most competent, by reason of their situation, knowledge, or experience, to afford it; and also by calling for all Documents, Papers, and Records which may appear to you, or any two of you, calculated to assist your researches, and to promote the formation of a sound judgment on the subject. And We do also hereby give and grant unto you, or any two of you, full Power and Authority, when the same shall appear to be requisite, to administer an Oath or Oaths, to any Person or Persons

whatsoever to be examined before you, or any two of you, touching or concerning the Premises. And We do hereby command and require you, or any two of you, to report to Us, in writing, under your hands and seals, with all convenient speed, your several proceedings by virtue of this Our Commission, together with your opinion upon the several points which you are hereby required to take into your consideration. And We will and command that this Our Commission shall continue in full force and virtue; and that you Our said Commissioners, or any two of you, may, from time to time, proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment. And we hereby command all and singular Our Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, Officers, Ministers, and all other Our loving Subjects whatsoever, as well within Liberties as without, that they be assistant to you and each of you in the execution of these presents. And for your assistance in the execution of these Presents, We do hereby authorize and empower you, or any two of you, to appoint a Chief Clerk to this Our Commission, whose services and assistance We require you to use, from time to time, as occasion may require. In witness whereof, We have caused these Our Letters to be made Patent.

Witness Ourself, at Westminster, the Twentieth October, in the Seventh Year of Our Reign.

By Writ of Privy Seal,

EDMUNDS.

COMMISSION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To our trusty and well-beloved Charles Shaw Lefevre, Esquire, Charles Rowan, Esquire, Lieutenant-Colonel in Our Army, and Edwin Chadwick, Esquire, greeting: Whereas his late Majesty King William the Fourth did, by his Letters Patent, bearing date the Tenth day of October, in the Seventh Year of His Reign, appoint you, the said Charles Shaw Lefevre, Charles Rowan, and Edwin Chadwick, to be his Commissioners for inquiring as to the best Means of Establishing an Efficient Constabulary Force in the Counties of England and Wales. Now know ye, that We have revoked and determined, and by these presents do revoke and determine, the said recited Letters Patent, and every Clause, Article, and Thing therein contained. And further know ye, that We, reposing great trust and confidence in your zeal and ability, and being graciously pleased to renew the said Commission, and to continue you in such employment, have authorized and appointed, and do by these presents authorize and appoint, you, the said Charles Shaw Levevre, Charles Rowan, and Edwin Chadwick, or any two of you, to be our Commissioners, for Inquiring as to the best Means of Establishing an Efficient Constabulary Force in the counties of England and Wales, especially with a view to the Prevention of Offences, and also with regard to any Proceedings before Trial, by which the Detection and Apprehension of Criminals may be rendered more certain; and also for Inquiring as to any Public Services which may be obtained from such a Force, either in the Preservation of the Peace, and the due Protection of Property, or by enforcing a more regular Observance of the Laws of the Realm; and also for Inquiring as to the manner in which such a Force should be Appointed and Paid. And we do hereby authorize and empower you Our said Commissioners, or any two of you, to obtain Information thereupon by the Examination of all Persons most com-

petent, by reason of their situation, knowledge, or experience, to afford it; and also by calling for all Documents, Papers, and Records, which may appear to you, or any two of you, calculated to assist your Researches, and to promote the formation of a sound judgment on the subject. And We do also hereby give and grant unto you, or any two of you, full Power and Authority, when the same shall appear to be requisite, to administer an Oath or Oaths to any Person or Persons whatsoever to be examined before you, or any two of you, touching or concerning the Premises. And We do hereby command and require you, or any two of you, to Report to Us, in writing, under your hands and seals, on or before the Thirty-first Day of March One Thousand Eight Hundred and Thirty-Nine, your several proceedings by virtue of this Our Commission, together with your opinion upon the several points which you are hereby required to take into your consideration. And We will and command that this Our Commission shall continue in full force and virtue; and that you Our said Commissioners or any two of you, may from time to time proceed in the execution thereof, and of every Matter and Thing therein contained, although the same be not continued from time to time by adjournment. And We hereby command all and singular our Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, Officers, Ministers, and all other Our loving Subjects whatsoever, as well within Liberties as without, that they be assistant to you, and each of you, in the execution of these presents. And for your further assistance in the execution of these Presents, We do hereby authorize and empower you, or any two of you, to appoint a Chief Clerk to this Our Commission, whose services and assistance We require you to use, from time to time, as occasion may require. In witness whereof we have caused these Our Letters to be made Patent.

Witness Ourself, at Westminster, the Twenty-sixth Day of October, in the First year of Our Reign.

By Writ of Privy Seal,

EDMUNDS.

REPORT.

TO THE

QUEEN'S MOST EXCELLENT MAJESTY

His late Majesty King William IV., having been pleased to issue a Commission under the Great Seal, bearing date the 20th of October, 1836, authorizing and directing the Commissioners therein named to inquire as to the best means of establishing an efficient Constabulary Force in the counties of England and Wales, for the prevention of offences, the detection and punishment of criminals, the due protection of property, and the more regular observance of the laws of the realm; and Your Majesty having been graciously pleased on your accession to revoke such Commission, and afterwards to renew the same, and to continue the same Commissioners in the exercise of the functions devolved upon them by His late Majesty:

We, Your Majesty's Commissioners, now humbly beg leave to report to Your Majesty, that we have inquired "as to the best means of establishment of an efficient Constabulary Force in the counties of England and Wales;" especially with a view to the following matters:—

I. The prevention of offences.

II. The proceedings before trial, by which the detection and apprehension of criminals may be rendered more certain.

III. The public service which may be obtained from such Constabulary Force, otherwise than in the preservation of the peace.

IV. The manner in which such force shall be appointed and paid.

Our first proceeding was to prepare and transmit to your Majesty's justices of the peace throughout England and Wales a set of queries intended to elicit such information as they might be able to give with relation to the state of crime and the means available for its prevention or repression, within their respective jurisdictions. (See Appendix, No. 1.) We ad-

dressed similar queries to the authorities charged with the preservation of the peace of the several chief towns of the counties to which our inquiries were directed. (Appendix, No. 2.) Being desirous of receiving information from those whose persons and property were objects of protection, and who are not themselves in anywise by office responsible for the conservation of the peace, we transmitted a set of queries to the representatives of the rate-payers at the Board of Guardians of the New Parochial Unions. (Appendix, No. 3.) The unions to which these queries were transmitted comprehended in extent the greater portion of our province of inquiry. The difficulty and delay in obtaining answers from single parishes, and the less responsible character of the persons to whom in most cases the queries must have been transmitted, appeared to us to counterbalanee any advantages derivable from an apparent completeness of the returns: we therefore did not extend our inquiries beyond the new unions.

The returns of answers to these sets of queries served to indicate other sources of inquiry, and we have examined numerous bodies of witnesses who are well informed on particular courses of delinquency, or conversant with the state of insecurity of person or property in particular districts, or with the effects of measures of a special or experimental character, taken for the prevention or the suppression of crime. In respect to the general course of delinquency, for example, it appeared that a large proportion of the more pernicious crimes against property in the rural districts is committed by bands of depredators who migrate from the larger towns as from centres; the metropolis being the great centre from which they spread over the country; the chief provincial cities and towns being the subject of complaints as minor centres from whence depredators regularly steal out or make inroads into the adjacent rural districts. Upon these complaints we have completed inquiries on the spot into the state of crime, with reference to the adjacent districts and the means of its prevention, in the cities of Bristol and Bath, and the boroughs Liverpool, Manchester, and Birmingham.

We have also investigated, by the examination of witnesses on the spot, the causes of juvenile delinquency and the crimes connected with the general course of vagrancy and mendicity, and the means of suppressing them.

We have been led to pay special attention to the crimes committed against person or property, under circumstances where the inhabitants of the district in which the offences are committed, not being sufferers from the offences, have made no arrangements for their prevention. We have endeavoured to investigate the means of preventing the outrages committed against person and property on the occurrence of shipwrecks

along the coast, and the additional securities required to protect property carried along the main roads, canals, and rivers, and lying in docks and harbours.

In order to be able to refer to actual experience, as far as possible, for every remedy which it might be our duty to propose, we have sought out instances of the trial of a paid Constabulary Force in rural districts by voluntary associations or otherwise, and we have carefully examined the operation of these experiments, In this view we have completed a close inquiry, on the spot, into the operation of the act of the 10th Geo. IV., cap. 97, under the authority of which the magistrates of the County Palatine of Chester have, since the time of the passing of the Act, appointed and directed a paid Constabulary Force within the rural districts of that county.

On these topics, as well as on the general topics expressly prescribed to us for inquiry by our commission, we believe the body of evidence collected to be more extensive than has yet been elicited on any branch of penal administration. Besides the answers of the great body of the Magistracy of England and Wales, and of the public authorities of all the cities and towns in that part of the empire, it comprehends the examinations of numerous witnesses of every rank and class in society down to the confessions of criminals.

We shall first endeavour to give an outline of the information we have received, as to the extent of the primary evils in question, and of the requisite securities: we shall next present the results of our information as to the general duties and state of the office of constable, as the main agency for the prevention of such evils: we shall then advert to the various instances of successful experiments of prevention by such an agency which have come to our knowledge, and we shall submit our conclusions from such evidence as to the nature of the remedies available.

Nature and Extent of the chief evils to be guarded against.

1. At the beginning of the Inquiry it became evident to us that the returns of the number of persons prosecuted or convicted, which, in the reasonings in Parliament, are usually assumed as correct indications of the state of crime within any given district, cannot be relied upon for that purpose. In several districts where it was concluded, from the absence of any returns of prosecution, that there was an absence of crime, we found on examination that this fact resulted only from the im-

punity of depredators. In two instances where crime was remarkably frequent, where the only real security of the subject consisted in his own power of self-defence, and where, as we have good reason to believe, from the defective state of the Constabulary Force, there was no pursuit or apprehension, the gaols being empty, the judges were, according to custom, presented at the Assizes with white gloves, as emblems of the purity of the districts. In other instances where, from the increased efficiency of the constables, or from increased facilities of prosecution, there has been an increased number of cases on the Calendar, it is common to hear this increase of prosecutions seriously treated as an increase of crime, and as the ground of alarm. The answers to the questions put by us to ascertain the state of the information possessed, as well as the state of the fact, show that there is in general no recorded information upon the subject on which any reliance for exactitude can be placed. So habitually is the Calendar of prosecutions regarded as the index of the state of Crime, that a large proportion of the Magistrates' answers to our queries, as to the number of crimes committed within their districts, either give, in answer, the number of prosecutions, or refer us to the Clerk of the Peace as the proper source of information. Many of the Magistrates, however, at once stated their utter want of any better information than that supplied by common rumour. In most other cases the answers are to the following tenour: thus, the Magistrates of the Upper Division of Lewes Rape (Sussex) state:—

"There being every reason to believe that a very small proportion of the offences committed (especially the minor ones) come in any shape within the knowledge of the magistrates, it is not possible to give satisfactory information to these questions."

The magistrates of the division of Mutford and Lothingland (Suffolk) state:—

"There is no doubt but a very large proportion of offences are committed which are not brought officially before the magistrates; and in very many cases there is reason to believe that felonies are compounded."

The magistrates of the Teasdale Division (Derby) states:—

"Many felonies and misdemeanors are committed in this district which never come to the knowledge of the magistrates except by accident."

Other answers elicit the wide and strong connexions of the causes of this absence of information, with the whole train of penal administration: thus, General Marriott, one of the magistrates of the division of Pershore, and Chairman of the Pershore Union, Worcestershire, states in his answer:—

"From the magistrates' answers to questions third and fourth,

it might be doubted whether any police was required or not in this division, there appearing only *one* conviction for felony (stealing a loaf), and one for misdemeanor (night-poaching), in a district extending from north to south about sixteen miles, and from east to west nearly twenty miles, in the course of a whole year. I fear, however, this is very deceptive, and that there is a great deal of crime (not heinous, perhaps) which is not brought to light, from the want of police, and the unwillingness, under such circumstances, of the injured to prosecute. The river Avon winds through the whole extent of the district (eighteen miles), and the number of barges employed upon it gives great facility to plunder in the night time, and to escape detection, many of the bargemen being of the worst character. Since the magistrates have been engaged in answering these queries the skin and entrails of a fresh-killed sheep were taken out of the river in an eel-net close to the town of Pershore, and although notice has been sent to all the neighbouring farmers, not one will own to having lost a sheep, for fear of being obliged to prosecute. They call it "throwing away good money after bad." If reluctance to prosecute prevailed so much before, it has now been strengthened in this neighbourhood by the late Act of Parliament allowing counsel to prisoners. Mr. Tidmarsh, a large farmer, having at different times lost four fat sheep, succeeded at last in discovering the offenders, and the evidence was so strong against two persons charged, that they made a confession before the committing magistrate, and implored the mercy of the prosecutor. The ingenuity of counsel, however, at the last quarter sessions prevailed, and the prisoners were acquitted. The farmers say, "After this, what use is there in prosecuting?"

The magistrates of Shepton Mallet, in Somerset, state:—

"Numerous complaints have been made by persons on account of the trouble and expense which they have sustained in pursuing and apprehending felons, for the ordering of the payment of which the magistrates have no power, and we are convinced that this is a considerable inducement to persons to withhold information relative to the prosecution of offenders."

In other answers the motives to withhold information are thus stated. In the answer from the borough of Newcastle-under-Line, it is stated:—

"In thefts of a trifling character (as to the amount taken), a great disinclination to take the trouble of prosecuting exists. In the rural districts the constables are mostly farmers, who are often deterred from interfering with old offenders, or with beer-houses, or other resorts of the dissolute, by an apprehension of injury to themselves or property."

From the borough of Gateshead it is stated that—

"Parties making complaints for offences which are summa-

rily punishable by the magistrates have to bear the expense of apprehension of the offenders, the magistrates having no power to award a remuneration to the officers or to the parties for their trouble, which has a tendency to prevent persons from lodging information of misdemeanors and petty offences."

From the borough of Portsmouth, the motives to withhold information, or abstain from prosecution, are thus stated:—

"Expense, trouble, and loss of time, in cases of misdemeanors, are frequently more mischievous than some felonies; and where the expenses must be paid by the prosecutor after the police have been fortunate enough to arrest the delinquent, he is frequently liberated, to pursue his depredations, for want of a prosecution."

From the borough of Lymington it is stated:—

"The individuals generally are indisposed to incur the expense, risk, and uncertainty of a conviction. In some cases a fear of personal violence or damage to property from combination amongst the thieves deters parties from investigating robberies."

From the city of Lincoln and other places, the answers concur in assigning to "the fear of vengeance," and injury from the depredators, a large proportion of the motives to withhold information. We shall revert to the several important and distinct topics indicated by the answers of the tenor of those quoted.

§ 3. To judge of the extent to which the motives to withhold information operate as above stated, as well as for the other objects (§ 1), we consider it desirable to obtain more satisfactory information as to the probable amount of crime committed than was derivable from the parties injured. With this view we sought information through the confessions of convicts themselves. Nearly all of these confessions on which reliance could be placed were confirmatory of the impression of the extreme inadequacy of the existing knowledge on the subject. When requested to enumerate the crimes they had committed, it was only those convicts who had been engaged in burglaries or the larger depredations, who could enumerate the offences committed by them during any other than short periods. The common answers of those who had been engaged in petty depredations were, "Impossible to state," "Could not remember a tenth of them," "Hundreds," "Many hundreds," "Sometimes more, sometimes less," "Too many to remember." One states, "If I was to recollect I could not tell them all between now and to-morrow." On a careful inquiry made amongst the habitual depredators confined in one of the wards of the Cold Bath Fields prison by the Governor, Mr. Chesterton, it was estimated by the class of pickpockets, that, "one day with another," they must steal about six pocket-handkerchiefs or things

of the same value, "to live," meaning, to obtain the means of livelihood, in such sort as to render it a career of depredation more eligible to them than a livelihood by honest industry. It was satisfactorily established by independent evidence, that the average duration of the career of delinquents of this class would be five or six years before permanent removal from the town by transportation or otherwise. Independently of the confessions of the delinquents, it was well known that the money to sustain their habits of enjoyment could only be derived from some such an average produce of depredation. Such a career, comprehending many hundred offences, would only be marked, in the ordinary statistical returns of crime, by one or two items; the interruption by one or two prosecutions, previous to ultimate conviction or removal; yet the greater proportion of the prevalent reasoning as to the state of crime in this and other countries is founded on such statistics.

§ 4. In the course of our examinations it occurred to us that light would be thrown on this subject by a comparison of the number of forged notes presented or returned to the Bank of England, with the number of prosecutions for uttering or forging such instruments.

It having been held that no person has any property in a forged note, or any right to detain it, almost every forged Bank of England note finds its way to the Bank. We believe that it is rarely that more than one forged note is uttered at one and the same time; consequently each item in the return of forged instruments presented may be taken as representing a distinct offence. The following is a return (made to us from the Solicitor of the Bank of England) of the number of forged notes presented, and of the number of convictions and executions for forgery from the year 1805 to 1837, inclusive:—

Years.	1 Number of Forged Notes presented at the Bank of England	2 Number of Persons Convicted of Forging and uttering Forged Notes:	3 Proportion of Convictions to Offences.	4 Number of Persons Executed for Forgery.	5 Proportion of Executions to Crime committed
1805	3,784	24	One in 158	13	One in 291
1806	4,160	9	462	11	378
1807	5,829	40	146	13	394
1808	4,938	32	154	5	987
1809	6,622	52	127	19	348
1810	5,449	26	210	18	303
1811	8,797	24	366	8	1,099
1812	17,885	52	344	23	777
1813	15,315	52	295	17	901
1814	14,722	44	334	6	2,453
1815	17,765	59	301	11	1,615
1816	24,849	104	9	18	1,380
1817	31,180	128	243	18	1,732
1818	27,209	227	120	24	1,133
1819	23,035	193	119	14	1,645
1820	29,035	352	82	21	1,382
1821	18,126	134	135	16	1,133
1822	3,642	16	227	6	607
1823	1,648	6	275	2	824
Total	263,990*	1,574	One in 167	263	One in 1,003
1824	965	5	193	1	965
1825	770	2	385	—	Nil
1826	2,038	22	93	—	,,
1227	2,038	24	87	2	1,019
1828	1,170	10	117	2	585
1829	1,117	14	80	1	1,117
1830	613	1	613	—	Nil
1831	364	3	121	—	,,
1832	424	4	106	—	,,
1833	447	13	52	—	Capital punishment abolished.
1834	262	1	262	—	
1835	279	1	279	—	
1836	223	Nil	Nil	—	
1837	267	3	89	—	
Average	10,977	103	One in 106	6	One in 1,583

Note.—On the first division of the above Table (1805—1823), the numbers executed are those for *Forgeries of every description;* the Returns not distinguishing separately the Executions for Forging and uttering forged Bank notes. In the latter division (1824—1837) the numbers Executed are of those who were Convicted of the offences in the second column, while they continued capital.

* It appears from a Return laid before Parliament in May, 1818, (Paper No. 296), and also from one moved for in June, 1821 (No. 673), that of 200,995 forged notes presented for payment during the years 1812 to 1820 inclusive, 173,241 were notes for one Pound; 19,367 for two Pounds; 7,628 for five Pounds; 544 for ten Pounds; 2 for fifteen Pounds; 116 for twenty Pounds; and 35 for sums above twenty Pounds.

In the consideration of this very important piece of evidence, we would direct especial attention to the second column, as comprising the chief grounds on which the reasoning of members of the legislature have hitherto been founded, when the actual state of crime has been under discussion. It should be observed, with reference to the chances of escape displayed by the comparison of this second column of convictions with the first column, representing the number of offences actually committed, that the practice of uttering forged notes was considered by depredators to be a peculiarly dangerous career of crime: first, from the offender being necessarily seen and recognised in the commission of the fact, and from the fact being (amongst shopkeepers) peculiarly calculated to excite attention and alarm; and next, from pursuit and prosecution being instituted by an active public prosecutor, the Solicitor of the Bank, acting with the steadily-directed means of that powerful body. We are informed that the class of utterers were of the most desperate of criminals, and were instruments in the hands of the forgers. Yet on this class of cases the average chance of each criminal's escape from conviction during these several years was 1 to 167 at least. It will be seen that, during the years 1811, 1812, 1814, 1815, and 1825, a depredator's chances were, that he might commit between three and four hundred offences before he was convicted; and in 1806 and 1830 the chances were as great as 1 in 462, and 1 in 613. We have no means of ascertaining what proportion of the offenders convicted and sentenced to transportation returned to society at the expiration or upon the remission of their sentences, and resumed their former courses. To the extent to which this took place, and also to the extent to which it may be supposed that any of the forged notes uttered were not returned to the Bank, the actual chances of escape, as represented by these returns, must be increased. How little the number of convictions can be trusted as evidence of the increase and diminution of crime will be perceived on reference to the return of the crimes known to have been actually committed. It would have been inferred from comparison of the year 1817, when the number of *convictions* was 128, with the year 1820, when the *convictions* were 352, that *crime* had increased nearly threefold, although in fact it had somewhat diminished: the number of *crimes* committed in the year 1817 being 31,180, whilst in the year 1820 the number was 29,035. The comparison of the returns of convictions for the year 1806, with those of the year 1826, would be received as proving that up to the latter period the *crimes* had doubled in number, whereas they had, in fact, been reduced more than one-half. As between the years 1812 and 1820, the common inference suggested by the records of convictions was, that crime had increased sevenfold, whereas it had scarcely doubled. We have added to the table a column showing the total number of persons executed for forgery during

the same periods. We have no means of distinguishing the number of executions for forgery or uttering forged Bank notes from 1805 to 1823. The executions for forgery in general might be expected to produce some effect in deterring the offenders of the particular class. How little effect it did produce may be conceived by a comparison of the number of offences committed, with the number of executions. It will be perceived that, even had the whole of the executions been for the offence of forging or of uttering forged Bank notes, the depredator's chance was, that he might commit at least 1000 offences of uttering notes of various denominations of value before execution; and by the latter division of the table, where the executions for this particular offence are separately distinguished, that his chances of escaping capital punishment were above 1500 to one. And, after all, the table can only be regarded as representing the proportions of convictions to one class of offences, namely, of uttering the notes; for it must be borne in mind that each note, in fact, usually passed through the hands of at least three guilty persons: 1st. the forger; 2d. the seller of the forged notes; 3d. the utterer. The forger and seller were so unfrequently apprehended, that the number of their prosecutions or convictions forms a very inconsiderable proportion of the class of convictions in the return, which chiefly represents the offence of uttering. The importance of a correct understanding of the erroneous nature of the commonly received data respecting the amount of crime committed will, in one respect, be appreciated, when it is considered that they served to guide the application of punishment as well as the course of legislation. The consideration of the third and fifth columns, or of the yearly proportion of the convictions and executions to the actual offences, will serve to mark the extent of popular delusion or misdirected sympathy, which commonly regarded only the single offence on which a conviction was obtained, instead of regarding it as only one incident of a probable train or career of depradation, and comparing that *train* with the punishment.

Sir George Stephen, from whom we received very valuable information in the course of this inquiry, carries our conclusions from this evidence still further. He observes, "that every individual that received a forged note was deeply injured in his trade, and, if in low circumstances, was often subjected to suspicion and reproach, in innocently re-uttering the forged paper: yet, had not the Bank undertaken these prosecutions on principle (though it could not be itself a loser by the fraud), all offenders would have escaped, and no feeling of resentment or public spirit would have induced the actual sufferers to come forward; for it being in every case necessary to trace the forged note from hand to hand, till some party was found who had marked and could identify it, so many witnesses were always required, that the prosecution of three cases of forgery would have been more ruinous to a trades-

man than burning his house and shop to the ground; and, after all, the offender would, almost to a certainty, have escaped conviction where the case was intrusted to a solicitor, however skilful, if inexperienced in the law of forgery, and the strict evidence by which the charge must be sustained as regards the identity of the note.

From the state of things which would have existed with relation to this class of cases, if there had been no such means as were used by the Bank of England, some conception may be formed of the actual state of things with relation to those branches of the penal law in which no means for effectual prosecution, still less of effectual prevention, are at present provided.

Numbers of habitual Depredators and other Criminals.

§ 5. Having been unable to obtain equally good evidence with relation to the number of offences committed in any other course of delinquency, we have exerted ourselves to obtain information as to the number of delinquents at large.

We find that the arrangements for the supply of information as to the *persons* and habits of delinquents, as well as the arrangements for obtaining information as to the offences committed, may be taken as primary tests of the efficiency of any police: for whilst, to the extent to which there is no information of the particular *offences* committed, there can be no pursuit, no detection, and no punishment, and crime riots in impunity; so to the extent to which there is no information, with relation to the *persons* of habitual delinquents, there can be no observation and none of that most efficient, economical, and constitutional kind of prevention, which consists in the direct watching and guarding of persons of known or suspected bad character.

One of the queries which we addressed to the magistrates in the country, and the authorities in the towns, was the following one:—"Are there within your division any persons who have no visible or known means of obtaining their livelihood honestly, and who are believed to live by habitual depredation, or by illegal means? Will you state the numbers and supposed habits of such persons?" The answer, with respect to the characters designated for observation by the law, in general affords conclusive evidence of the absence of any precise information that might serve for any preventive measures. In not only a small proportion of the returns is any attempt made to enumerate such characters; but the ordinary tenor of the greater proportion of answers is, "A few,"—"We cannot ascertain,"—"There may be persons of this description, but we have no means of ascertaining their numbers." Besides the evidence which appears on the face of the returns, we have, in several instances, obtained other evidence, which shows that the information of the magistrates, like that of the judges, is confined to the cases brought before them, and that

scarcely in any instance is any case brought to their notice except on the apprehension of the party. Some illustrations of the practical operations of this state of things will be given in a subsequent portion of this Report.

§ 6. With a view to make some approximation to a tolerably correct estimate of the amount of crime actually committed, as compared with the prosecutions within particular districts, we have directed an enumeration to be made by the Metropolitan Police, of the number and description of persons known to them as being addicted to habitual delinquency or breaches of the law. We have obtained similar enumerations from Liverpool, Bristol, Bath, Hull, and Newcastle-upon-Tyne, where the police is organized and conducted on the same plan as the Metropolitan Police. Before the means of making such estimates were obtained by the organization of such an agency more or less closely observant of the classes in question, and therefore enabled to give more or less accurate particulars with relation to them, one of the commissioners, who had then paid attention to the subject, endeavoured to determine the number of common thieves who were at large in the metropolis. The course taken was to endeavour to ascertain the following points :— First, the average duration of the career of common thieves or habitual depredators before their permanent removal from the field of depredation, by transportation, death, or other means. Secondly, the numbers of habitual depredators who annually pass through the gaols, and are permanently removed from the field of depredation by such means. Upon the first of these points, it was estimated in 1830, on the information of governors of prisons, attorneys practising in the criminal courts, and other persons conversant with the habits of the criminal population in the metropolis, that the average career of impunity to common thieves was not less than six years. On the second point it was estimated that the total number of habitual depredators annually tried in the Crown courts of the metropolis, was in round numbers 1000: hence it followed that the number of common thieves at large in the metropolis, from which the annual supply of 1000 convicts was made without apparent diminution, could not be less than 6000. In the year 1834 an estimate was made of the number of common thieves in the metropolis known to the Metropolitan Police. The total number then known to them was 5210. Upon a more close enumeration made in the year 1837, the number was returned as 6407.

§ 7. The following Tables are compiled from the returns alluded to above. In the enumeration of the delinquents at large, classes not usually noticed in any returns connected with penal jurisprudence are included; but they are noticed here to show the numbers of the persons whose proceedings chiefly occupy the attention of the constables :—

TABLE showing the Number of Depredators, Offenders, and Suspected Persons, who have been brought within the cognizance of the Police of the following districts or places in the year 1837, comprehending,—I. Persons who have no visible means of subsistence, and who are believed to live wholly by violation of the law, as by habitual depredation, by fraud, by prostitution, &c. II. Persons following some ostensible and legal occupation, but who are known to have committed an offence, and are believed to augment their gains by habitual or occasional violation of the law. III. Persons not known to have committed any offences, but known as associates of the above Classes, and otherwise deemed to be Suspicious Characters :—

District or Place.	Number of Depredators, Offenders, and Suspected Persons.				Numbers in these Classes Migrant.	Average Length of Career.	Proportion of known bad Characters to the Population.
	1st Class.	2nd Class.	3rd Class.	Total.			
Metropolitan Police District	10,444	4,353	2,104	16,901	2,712	4 yrs.	1 in 89
Borough of Liverpool	3,580	916	215	4,711	..	..	1 in 45
City and County of Bristol	1,935	1,190	356	3,481	605	..	1 in 31
City of Bath . . .	284	470	847	1,601	..	..	1 in 37
Town and County of Kingston-on-Hull .	487	137	313	937	303	..	1 in 64
Town and County of Newcastle-on-Tyne	1,730	222	62	2,014	454	2½ yrs.	1 in 27

TABLE showing the Characters of the Persons in the above Three Classes, or the mode of depredation or means by which they obtain a livelihood :—

Character and Description of Offenders.	Metropolitan Police District.			City of Bristol.			City of Bath.			Town of Kingston-on-Hull.			Town of Newcastle-on-Tyne.		
	1st Class.	2nd Class.	3rd Class.	1st Class.	2nd Class.	3rd Class.	1st Class.	2nd Class.	3rd Class.	1st Class.	2nd Class.	3rd Class.	1st Class.	2nd Class.	3rd Class.
Burglars	77	22	8	46	..	6	4	5	7	2	..	..	..	..	..
Housebreakers . .	59	17	34	45	15	18	7	8	20	8	1	..	..	..	..
Highway Robbers .	19	8	11	23	13	4	5	3	..	..	2	..	4	..	..
Pickpockets . . .	544	75	154	88	35	65	20	26	40	37	5	7	114	20	..
Common Thieves .	1667	1338	652	297	465	188	70	130	138	43	5	3	308	..	..
Forgers	..	3	..	2	..	10	..	..	..	..	..	..	1	..	..
Obtainers of Goods by False Pretences	33	108	..	13	57	2	11	19	7	5	3	6	31	..	..
Persons committing Frauds of any other description . .	23	118	41	5	38	..	..	..	..	12	2	5	90	85	..
Receivers of Stolen Goods	51	158	134	9	90	..	1	2	..	3	4	5	7	2	..
Horse Stealers . .	7	4	..	19	10	..	..	..	1	..	..	..	1	..	..
Cattle Stealers . .	..	..	..	2	11	24	..	1	..	..	..	1	1	..	..
Dog Stealers . . .	45	48	48	5	1	1	..	..	..	3	1	3	5	2	..
Coiners	25	1	2	13	..	35	1	..	1	..	..	..	..	..	..
Utterers of Base Coin	202	54	61	45	33	..	2	2	3	3	2	7	6	2	2
Habitual Disturbers of the Public Peace	723	1866	179	55	141	..	20	215	310	11	17	15	525	..	..
Vagrants	1089	186	20	263	..	..	2	45	42	27	7	261	192	92	..
Begging-letter Writers	12	17	21	8	..	3	1	..	..	..	..	..	4	2	..
Bearers of Begging-letters	22	40	24	11	..	..	9	22	18	2	1	..	..	..	..
Prostitutes, well-dressed, living in brothels . . .	813	62	20	85	..	..	1	2	..	95	31	..	45	10	..
Prostitutes, well-dressed, walking the streets . . .	1460	79	73	188	69	..	130	..	..	105	24	..	43	..	..
Prostitutes, low, infesting low neighbourhoods . . .	3533	147	184	713	212	..	..	..	260	131	32	..	353	..	..
Classes not before enumerated . .	40	2	438	..	..		..	..	..	..	..	..	..	7	60
Total . .	10,444	4353	2104	1935	1190	356	284	470	847	487	137	313	1730	222	62

In the Return for the *Borough of Liverpool* the Character and Description of the Offenders was not stated.

The conception of the numbers of such characters will be aided by an enumeration which we have caused to be made of the houses known to be kept for their accommodation.

Table showing the Number of Houses for the purposes of Delinquency or Vice kept in the Year 1837 in the following Places:—

	Metropolitan Police District.	Borough of Liverpool.	City of Bristol.	City of Bath.	Town of Kingston-on-Hull.	Town of Newcastle-on-Tyne.
Population .	1,515,592	213,000	110,000	59,000	60,000	55,000
Houses for the Reception of Stolen Goods . .	227	102	72	9	12	17
Do. suppressed since the establishment of the Police	131	unknown	9	2	3	6
Houses for the Resort of Thieves	276	*2071	109	38	9	8
Do. suppressed since the establishment of the Police	159	unknown	13	3	3	3
Average Number of Thieves daily resorting to each	17	unknown	8	4	5	31
Number of Brothels where Prostitutes are kept .	933	520	150	24	88	71
Average Number of Prostitutes kept in each .	4	4	3	3	2	4
Number of Houses of Ill-fame where Prostitutes resort	848	625	174	44	40	46
Number of houses where Prostitutes lodge . .	1554	136	232	71	47	31
Number of Gambling-Houses	32	none	31	8	none	none
Average number of Persons resorting to each daily	20	none	8	6	none	none
Mendicants' Lodging-Houses	221	176	69	14	11	78
Average daily number of Lodgers at each house	11	6	7	9	3	3

* Liverpool.—In this number are contained 520 brothels and 55 public-houses. In addition to these there are 1469 houses where thieves reside.

We have found no means of obtaining similar information from Manchester or Birmingham. The questions which may suggest themselves, on the consideration of such returns, "Why such houses for the resort of thieves—houses for the reception of stolen goods—should be permitted to exist? Why known delinquents are allowed to be at large in the pursuit of their practice?"—are questions which may be more conveniently met when we are enabled to treat of the legal powers requisite to be intrusted to a trained constabulary, or police force.

§ 8. Whilst these returns may be presented as evidence to

correct such erroneous statements as those herein noticed, they are themselves only presented as the best approximations, for which considerable allowances may be claimed. Until a proper system of registration is established, and the practice of presentments to the proper authorities is revived and systematized, the enumeration can only be given from memory, and many individuals have doubtless been forgotten, whilst some have probably been entered under different denominations, as they have pursued different descriptions of depredation, or have been enumerated both from the district where they reside and the district in which they pursue their practices. On the other hand, we must suppose that some have still escaped the observation of the police. These remarks are more particularly applicable to the returns from the Metropolitan Police, which have been made up more immediately under our own observation. We have reason to believe that the proportion of depredators and vagrants returned as of migratory habits is understated; which we account for on the supposition that, as the constables in general only see those characters at intervals, there can be no means of knowing whether within those intervals many who, from the absence of positive information to the contrary, are not entered as migatory, have not made incursions into the surrounding districts. From the confessions of prisoners in the country gaols, it would appear that a far greater proportion of them are of migratory habits than is stated in the returns.

§ 9. But, after all allowances are made, these Returns tend to establish several important results.

As to the number of the persons found at large, these enumerations serve to show the extent to which the legislature and the public have been misled, by mere hypothetical estimates. For example, Dr. Colquhoun, the magistrate of the Thames police, in his work on the Police of the Metropolis, estimated the number of prostitutes in the Metropolis at 50,000. The whole male population of London, Westminster, and the parishes within the Bills of Mortality, was, according to the actual enumeration of 1801, the period to which he referred, only about 400,000. But after deducting the children and the very old, the remainder capable of contributing to the support of the vice of prostitution would not be more than from 150,000 to 200,000 at the extreme. Allowing that all were licentious in their habits, the learned magistrate's estimate gave one prostitute for every three or four males, and alleged that every third or fourth female was a professed prostitute. In a recent Address, published by a voluntary Association for the Suppression of Prostitution, the number of prostitutes in the Metropolis was stated to be not less than 80,000. The actual

enumeration shows that at this time the number of known prostitutes living amidst nearly a million and a half of the population does not exceed 7,000. We may observe, that the proportion of this unfortunate class to the population is similar in Paris, the average number during the year 1832 being 3558, according to the police registers of that metropolis, The prevalent inaccuracy of statement upon such subjects is observable in the public writers in France, where writers of credit had estimated the numbers of prostitutes in Paris at fifteen, twenty, and even sixty thousand. On similar grounds the number of common thieves at large in London have been estimated, not long ago, at upwards of 30,000.

§ 10. To aid any conjectural estimate of the number of prisoners at large we obtained returns similar to the following, as to the extent of the career of the depredators in gaol whose previous courses were ascertained:—

Return of Prisoners in the New Bailey Prison at Salford, Lancashire, who are known to have been at large committing depredations for the periods hereunder specified:—

Ages of Prisoners.	1 Year.	2 Years.	3 Years.	4 Years.	5 Years.	6 Years.	7 Years.	8 Years.	9 Years.	10 Years.	12 Years.	14 Years.	16 Years.	18 Years.	above 20 Years.
10 years and under	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..
15 years and above 10	3	4	1	1	..	..	..	..	..	..	..	..	..	..	..
18 ,, 15	14	9	4	..	..	..	..	..	..	..	..	..	..	..	..
21 ,, 18	9	11	6	3	1	..	..	..	1	..	..	..	..	..	..
25 , 21	7	7	2	3	1	..	1	..	..	..	..	..	..	..	..
30 ,, 25	1	3	3	1	1	..	..	..	..	..	..	..	..	..	..
40 ,, 30	1	5	..	2	2	..	..	..	..	..	..	..	..	..	..
50 ,, 40	2	7	1	..	..	1	2	..	..	..	..	..	..	..	..
60 ,, 50	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..
Above 60 Years	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..
	40	50	17	10	5	1	3	..	1	..	..	..	..	..	..

The average duration of each prisoner's career of depredation before the imprisonment is 2 years and 3 months.

Return of Prisoners in the Prison at Knutsford, at the County Palatine of Chester, who are known to have been at large committing depredations for the periods hereinunder specified :—

Ages of Prisoners.	1 Year.	2 Years.	3 Years.	4 Years.	5 Years.	6 Years.	7 Years.	8 Years.	9 Years.	10 Years.	12 Years.	14 Years.	16 Years.	20 Years.	above 20 Years.
10 years and under	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15 years and above 10	6	5	..	2	..	..	..	..	..	..	..	..	..	..	..
18 ,, 15	..	6	6	4	2	1	..	..	..	..	..	..	..	..	..
21 ,, 18	..	5	7	7	5	4	..	..	..	..	..	..	..	..	..
25 ,, 21	2	..	1	2	3	2	1	1	2	1	1	..	..	..	..
30 ,, 25	1	..	2	1	1	1	2	2	..	1	1	..	..	..	..
40 ,, 30	..	..	..	1	2	4	1	1	..	1	1	..	..	..	1
50 ,, 40	..	..	..	..	..	..	..	..	1	3	1	..	..	..	..
60 ,, 50	..	..	..	..	..	..	1	1	..	..	..	..	..	2	1
Above 60 years	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1
	10	16	16	17	13	13	5	4	3	6	4	..	..	2	3

The Average duration of each prisoner's career of depredation before the imprisonment is 5 years.

§ 11. The first Return, which is confirmed by a separate estimate made by the chief constable of Manchester, is from a district where a night and day police is established. The second Return, which shows the prisoners to have had a career of double the duration of those set forth in the first Return, is from a district where there are comparatively few well-appointed officers. In both instances the cases of the average number of prisoners are not cases of the permanent removal of the prisoners, but of their arrest, probably midway, of their career.

The following are summaries of returns we have obtained from other gaols where the duration of the career of a sufficient number of the prisoners could be ascertained :—

Name of Prison.	1 Year.	2 Years.	3 Years.	4 Years.	5 Years.	6 Years.	7 Years.	8 Years.	9 Years.	10 Years.	12 Years.	14 Years.	16 Years.	20 Years.	Above 20 Years.	Average duration of career.
City of London Prison, Giltspur-street . .	17	14	9	11	7	1	3	..	..	..	..	..	..	..	..	2¼
City of London Bridewell	8	8	8	2	1	2	..	..	..	..	..	..	..	..	..	2½
Surrey Gaol, Horsemonger-lane . . .	106	12	11	3	3	..	2	2	..	..	..	2	..	..	..	1¾
County Prison, Warwick .	23	31	4	15	3	4	2	..	1	2	..	..	..	..	..	2¾
County Prison, Petworth .	1	4	1	1	4	2	3	..	1	..	1	..	..	..	..	5

The prison at Warwick contains a large proportion of prisoners from Birmingham, where there is a paid police establishment. The prisoners in Petworth gaol are, we presume, mostly from rural districts. From other information, as well as from such Returns, we conclude that a depredator's chances of impunity are, in the rural districts, probably double those of the town districts, where there is a paid constabulary force.

§ 12. From the returns made of the number of criminal offenders committed for trial, or bailed for appearance, at the assizes and sessions in each county, it appears that during the year 1837 above 20,000 were tried for offences committed to obtain money, chiefly by larceny, or in modes which import habitual depredation. About 15,000 were convicted; the remainder escaped. The number of criminal commitments to our gaols may be stated, in round numbers, as 100,000 annually, and the number of prisoners varying from twelve to 20,000; but as there are no means of distinguishing the persons recommitted during the same year, we have no means of ascertaining the criminal population of the gaols with accuracy.

§ 13. Where, from the nature of the offences, habitual depredation is implied, the numbers who pass through the gaols must be regarded as draughts from the classes of delinquents at large. Of the actual numbers of those classes we have only the grounds for such conjectural estimates as those we have endeavoured to explain. But if we take the lowest estimate, and assume that the numbers at large in the enjoyment of impunity, instead of being quadruple, or quintuple, or more, to be only double the numbers annually brought within the cognizance of the law, and if we consider that they are nearly all of the young and able-bodied classes of labourers in the kingdom, the wide extent of moral corruption in operation throughout the country becomes fearfully manifest.

§ 14. We shall hereafter submit the evidence, proving that, in point of sensual gratification, the condition of the habitual depredator is, during his career, much higher than that of the honest labourer, living on wages which afford a share of the comforts of life.

§ 15. If upon these facts an estimate be made of the amount of plunder necessary to maintain the known predatory classes, it will be found to be immense.

The following is the return made to the municipal council of Liverpool, in 1836:—"The sub-committee of the council to examine the details of the report on the state of crime, presented by Mr. Walmsley, the cost of which was estimated at upwards of £700,000 per annum, declare their conviction that, immense as this sum is, it is not exaggerated, but, on the contrary, is much understated.

	Per Annum. £
300 brothels, estimated to obtain a weekly income of 5*l.* each	78,000
1,200 prostitutes residing therein, the average weekly income 40*s.* each	124,800
3,000 prostitutes in private lodgings, the average weekly income of whom is not less than 30*s.* each	234,000
1,200 men cohabiting with prostitutes, the average weekly income of whom is not less than 20*s.* each	62,400
1,000 adult thieves, the average income of whom is not less than 40*s.* per week each	104,000
500 ditto who work and steal, average weekly income from felonies not less than 20*s.* each	26,000
1,200 juvenile thieves, whose average weekly income is not less than 10*s.* each	31,200
	£660,400

Docks.

70 notorious juvenile thieves, under 15 years of age, at an average weekly income of not less than 20*s.* each	3,640
50 hawkers, who either steal themselves, or induce others to steal, average weekly income of whom, from felony, is 20*s.* each	2,600
100 dock wallopers, 20*s.* per week each	5,200
400 men who discharge vessels and steal for themselves and others to the extent of 60*s.* per week each	62,400
	£734,240"

In the cases of the juvenile delinquents, with respect to whom we caused inquiries to be made, we found that the numbers at large were estimated from the numbers who had passed through the prisons. The estimated average plunder of that class of delinquents exceeds the amount stated by the prisoners in their confessions, and though we are inclined to believe the whole return to err on the side of excess, the numbers who live by depredation and the amount of produce consumed by them must, nevertheless, be so considerable, that it may be taken to aid a proximate conception of the amount of delinquency. In Liverpool, as in most sea-port towns, a large proportion of the depredators live by depredations committed on property *in transitu*, and on passengers. It was stated by the chief of the police that the prostitutes of that town are generally thieves. The watch committee of that town, in their report (see Appendix No. 5), state, that "the robberies in one brothel alone, brought before the magistrates in twelve months, involved no less a sum than 1000*l.*" From the

number of depredators who have lived in Liverpool, that are found in distant gaols, it would appear that the habitual depredators are of migratory habits. From such circumstances the loss to the inhabitants from depredation would only form a part of the amount stated. The total number of delinquents appears to have been greatly diminished by the exertions of the new police.

We have had brought before us courses of considerable depredation of which no traces have hitherto been presented to the legislature; the produce of which courses, though extensive, there are no means of estimating, it being frequently unknown with any degree of accuracy by the parties plundered.

§ 16. The facts to which we have referred with relation to the numbers of offences and the duration of the career of delinquents, appear to us to be of great importance as indications of the nature and magnitude of the evils to be encountered by the agency in question, and of still greater importance as indications of the real state of the means for the protection of property, and of the means and disposition in respect of the pursuit of offenders, on the part of those against whom offences have been committed.

§ 17. Pursuit, when vigorously directed, narrows the chance of escape to less than an even chance upon each case. The extent of the career of impunity of any class of delinquents may, where the crimes are known, be regarded as evidence that nearly all the persons injured during the career were indisposed or averse to avail themselves of the remedy which the law has provided. The causes of that indifference or aversion, whether arising, as already indicated, chiefly from aversion to the trouble or expense of the legal procedure, or from a repugnance to the law itself, or otherwise, will be subsequently examined. A career of between one and two thousand known offences committed by one delinquent upon distinct persons, of which offences no information has been received, is to be regarded as evidence that between one and two thousand injured persons have, from the operation of certain causes, abstained from the performance of the duty of a subject in giving the information to lead to the arrest and punishment of the offender.

§ 18. The greater portion of offences are committed out of the view of any police force: such a force can therefore only act after receiving information, and this information is mainly dependent on the will of the party injured, which is governed by the prevalent sentiments respecting the law. Information cannot, of course, under ordinary circumstances, be obtained from the delinquent; and if the party injured and the public be indisposed to give it, we are unaware of the existence of efficient means to compel its being given. Information, with-

out which a police force is powerless, being dependant on public opinion, such an agency as that in question is dependent on the popular sanction for its efficiency. If those for whose protection such an agency is devised, feel that their social or political liberty is compromised by the action of such a force to an extent which renders the evil of its existence preponderant over the good of protection from delinquency, the action of the police will be paralysed by the public abstaining from giving the information requisite to enable it to act. This consideration we would urge for the removal of any indefinite sentiments of distrust of the remedies, which may in some minds accompany any statements of the evil at present endured. The evidence adduced of the extent of impunity in the general career of delinquency, appears to us to establish the necessity of simplifying and otherwise improving the procedure in which prosecutors must take a part, and by instructions calculated to remove groundless or pernicious sentiments of aversion to the law, and to induce the parties injured to come forward for its enforcement.

The available remedies for these several defects will form matter for subsequent consideration.

Description of Depredations committed, and Habits of the Migratory Depredators.

§ 19. Having already set forth the nature of the information which we have obtained with relation to the magnitude of the evils within our province of inquiry, we now proceed to state their nature, and the chief forms in which they have been generally manifested.

The most prominent body of delinquents in the rural districts are vagrants, and these vagrants appear to consist of two classes: first, the habitual depredators, house-breakers, horse-stealers, and common thieves; secondly, of vagrants, properly so called, who seek alms as mendicants. Besides those classes who travel from fair to fair, and from town to town, in quest of dishonest gains, there are numerous classes who make incursions from the provincial towns upon the adjacent rural districts.

Thus the Magistrates of the division of Droitwich, in Worcestershire, describe these classes:—

"There are reasons to believe that the burglaries, horse-stealing, and cattle-stealing, whenever they occur, are committed by strangers;—that the burglars are supposed to come from Birmingham; the horse-stealers still farther off. The sheep-stealer is generally a labourer resident in the parish where the offence is committed, or of an adjoining parish, and rarely escapes detection. Again, the cottager's dwelling is in the daytime frequently

broken into by trampers and others in the guise of seafaring men, whilst the inmates are at labour in the field."

The migration from the metropolis is thus noticed in the Magistrate's returns:—

The Magistrates of the division of Uxbridge state that the crimes within that division are committed by depredators principally from the metropolis.

From Hendon, the division of which is much infested, the Magistrates state:—

"Almost all the burglaries which occur in the parish are planned and executed by London thieves. The sheep-stealers are believed to reside here and in the neighbourhood."

From Chipping Barnet they state:—

"Nine persons out of twenty-five (convicted four) were strangers, viz., three from Uxbridge, bad characters, and six from London and other places."

The Magistrates of Enfield answer that the depradations in that district are committed—

"Generally by persons in the division, sometimes by a Chingford gang, and sometimes by a Finchley gang; occasionally some London thieves get acquainted with some of the gangs around here, and in this division, then *housebreaking* is the consequence. During the last twelve months upwards of thirty gentlemen have had their stables opened, and property to a large amount has been carried away. These stable robberies were effected by thieves from London joining others here. The principal receiver, however, has escaped out of the country, and there is reason to believe he has escaped from the want of cordial co-operation on the part of some Police."

But such answers as the following, from the town of Hull, show that many of the depredators from the metropolis go far a-field, even over the whole kingdom:—

"The few robberies committed by strangers within the borough have been traced to persons coming in by the London steamboats."

The migration of depredators from the larger provincial towns into other districts is described in the answers.

The authorities for the borough of Worcester state:—

"We have occasional visits from the Birmingham thieves."

From the borough of Evesham they state:—

"Depredations within the borough are frequently committed by persons not residing within it, but principally at the fairs and markets, when they attend from all quarters, especially from Birmingham. The village population frequently create disturbances after drinking in those public nuisances the beer-shops, which are generally kept by bad characters out of the control of the Magistrates."

The Magistrates of the division of Atherstone, in Warwickshire, answer:—

"In general the more atrocious depredators in this division come from large towns, as Birmingham, &c., and from races and fairs in the neighbourhood. Horse-stealers are connected with confederates at a distance."

From Henley in Arden, in the same county, they answer:—

"From Birmingham frequently."

And from the division of Solehill, also in the same county, they state:—

"Depredations are generally committed by persons resident in the division, but occasionally by persons from Birmingham."

The Magistrates of the Grimsworth division of Hereford state:—

"Sometimes a few are done by the inhabitants, and some few by strangers; a few thieves sometimes stray as far as here from Birmingham in Warwickshire."

In the more distant towns the migratory classes from different towns mix. The return from the city of Chester states:—

"Most of the depredations have been committed by thieves coming from Liverpool, Manchester, Birmingham, London, and other towns."

The answers from the borough of Doncaster state:—

"That the chief depredators come from Sheffield and other manufacturing districts generally; from London and all other parts of the country during the races and fairs."

The answer from the city of Gloucester sets forth that they are

"Generally from the nearest cities, namely, Bristol, Hereford, Worcester, and Birmingham, and also from Cheltenham."

§ 20. The following answers from the rural districts, and from towns, more fully exhibit the wide course of delinquency as radiating from the larger towns. The Magistrates of the division of Kenilworth, in answer to our inquiries as to the existence of the facilities for the commission of crime, state:—

"The constant intercourse with Birmingham, and the facilities there afforded for the disposing of stolen property, it is supposed act as a considerable inducement to the commission of crime."

From the division of East Morley it is stated:—

"The depredations are generally by those resident in the division; at the fairs and feasts strangers are occasionally detected and brought to justice: they are generally from Sheffield, Leeds, Manchester, and Birmingham, regular travelling thieves."

From the borough of Newbury it is stated:—

"Of the prisoners tried for felony in the last year, eight or nine of them came from distant parts, and the remainder were persons residing within the borough. Some of the strangers came from Warwick, St. Alban's, Calne, and Wootton Bassett."

The authorities of the borough of Wells state:—

"The capital offences have principally been committed by persons who resided elsewhere, particularly in the cities of Bath and

Bristol, each about twenty miles distant from Wells; but the minor offences have been committed by residents within and near the borough—

Those of the borough of Stockport represent that in that borough,

"Nearly all the aggravated crimes, such as burglaries, &c., are committed by strangers from Manchester, who now and then make a sort of periodical descent on the neighbourhood."

From Chepstow, in the county of Monmouth, it is stated:—

"We think the generality of depredations are committed by persons resident; but as the town of Chepstow is a great thoroughfare, passing to South Wales and Ireland, for vagrants and trampers of every description, particularly since the improved Police of London and other large cities drive them from thence, probably some are committed by such strangers."

The Magistrates of the division of Northorp, in the county of Flint, answer:—

"This division being within the reach of the populous towns of Liverpool and Chester, marauders from these places occasionally visit us; and of the depredators apprehended within the division, there can be no doubt but that the greater portion of them were strangers from all directions."

The magistrates of the division of Hunsley Beacon, in the East Riding of York, allege that in their division—

"A great portion of the depredations are committed by vagrants and thieves from the West Riding of Yorkshire, Nottingham, and London."

It is stated that in the division of Yarborough, in the county of Lincoln—

"Generally, in minor offences, by persons residing in the division; but the more serious offences, such as burglaries, highway robberies, &c., it is imagined are committed by persons travelling about the country, frequently coming from Hull."

§ 21. The migrant depredators from one town are found occasionally acting in combination with the depredators from another town, or with the resident depredators. The answers from the borough of Bath state, that the depredations are generally committed by residents, "occasionally assisted by thieves from Bristol."

From the borough of Kendal it is stated:—

"The thieves resident here have occasionally been detected committing robberies in conjunction with thieves from Liverpool and out of Cumberland."

We shall subsequently advert to the particulars of these combinations. The conclusion stated in the answer from the borough of Liverpool is:—

"Thieves, prostitutes, &c., seem to belong to one great criminal profession, and constantly migrate from one large town—and large towns only—to another."

§ 22. The statement of the fact which is usually made from the rural districts, of their general subjection to the incursion of trained depredators from towns, is corroborated by the statements made in the answers from the towns themselves. Thus in the answers from the city of Bristol they represent that it harbours—

"Many housebreakers, utterers of counterfeit coin, swindlers, and horse and cattle stealers who frequent the rural districts."

The authorities of the city of Chester answer:—

"We have many persons who live by committing petty thefts in the villages and rural districts where there is no police, and which we never hear of until it is too late to detect them. We have from fifty to sixty persons who live by poaching and committing petty thefts in the country during night. There are a considerable number who have no visible means of getting their living. They go into the country, where there is no police, and commit various depredations on the inhabitants."

The answers from the city of Lincoln state, with relation to the vagrant classes of depredators, that—

"It would be difficult to give their numbers with anything like accuracy. They are principally poachers, who make no disguise of their vocation, but proceed on their excursions, with their snap dogs at their heels, in the afternoon, before dark, and bring home their game in the light of the morning."

It is stated that in the borough of Ludlow there are many such characters:—

"Perhaps forty in number, idle and drunk, who each keep a dog: no visible means of obtaining a livelihood."

It is also stated that in the borough of Chesterfield—

"There are many—the number cannot be stated—their habits are to prowl about the borough and immediate adjacent villages, under pretext of begging or seeking work, but whose real objects are to look at the premises where they call, to see what booty can be gained by plunder at night."

In answer to the inquiry as to the cause of the impunity of such characters, the authorities of the borough of Devizes answer:—

"To no other cause than that they follow these practices in the adjacent country, and in places beyond the observation of the constables on their parade duty."

A communication from the borough of Maidstone sets forth that there are—

"Many bad characters living in the town, who support themselves by committing depredations in the neighbouring villages. An effective rural police would put an end to such a practice, and the characters in question would then be soon reduced to the necessity of either leaving the town or maintaining themselves by work."

§ 23. But whilst the rural districts are subjected to incursions of depredators from the towns, the towns themselves, besides incursions from depredators harbouring in other towns, are subjected to incursions from the bad characters who enjoy impunity in the adjacent unprotected rural districts:—

"Many desperate characters are harboured in the adjoining villages who have no other way of getting a living but from poaching and occasional predatory excursions to this and the neighbouring towns."

§ 24. These answers will, perhaps, suffice to show the vagrant character of larger classes of depredators. The following Table, which we have compiled from information obtained from the Governor of Knutsford House of Correction, appears to us to be deserving of particular attention, as exemplifying the proportions of the vagrant classes of depredators, and the distances to and from which they will make incursions:—

Summary of the Prisoners in the County House of Correction at Knutsford, Cheshire, 3rd December, 1837.

Description of Offenders.	No. of Prisoners.			Ages.					Residences.																
										Cheshire.					Lancashire.										
	Males.	Females.	Total.	Under 13 years.	16 and above 13	21 and above 16	30 and above 21	Above 30 years.	"Anywhere"	Stockport.	Macclesfield.	Northwich.	Nantwich.	Congleton.	Other parts.	Manchester.	Liverpool.	Other parts.	Staffordshire.	Derbyshire.	Yorkshire.	Other English Counties.	Ireland.	Scotland.
Convicted Misdemeanants, viz.:																									
Vagrants . .	45	11	56	7	11	19	10	9	11	7	3	1	..	3	1	15	4	2	..	2	2	1	3	1
Poachers . .	5	..	5	..	..	2	2	1	..	..	1	..	1	..	3	..	..	..	..	..	..	..	..	..
Rioters . . .	7	..	7	..	..	3	4	..	..	..	..	7	..	..	..	..	..	..	..	..	..	..	..	..
Assaulters . .	21	1	22	..	..	6	11	5	2	6	10	..	1	..	2	..	..	..	..	..	..	1	..	..
Other Offenders	30	11	41	1	..	16	13	11	..	1	6	2	1	2	19	4	1	..	2	..	..	3	..	..
Convicted Felons	75	19	94	..	4	34	32	24	..	23	8	5	1	4	9	14	3	3	4	..	4	7	9	..
Felons for trial .	27	18	45	..	..	10	14	21	..	3	8	1	2	2	8	3	..	..	2	1	4	4	7	..
Total .	210	60	270	8	15	90	86	71	13	40	36	16	6	11	49	36	8	5	8	3	10	16	19	1

The total number of commitments to this prison, from October, 1836, to October, 1837, was 1220: of these 581 were residents in the county, 210 in Lancashire, and 275 "anywhere," and the remainder, 154, in Ireland.

§ 25. It is established as a conclusion to our minds, by satisfactory evidence, that in the greater proportion of these cases the migrant habits were formed long anterior to the establishment of any police in cities and towns. But it is also clearly shown in evidence that these habits of vagrancy have received a considerable impulse from the operation of the new police established in the provincial towns upon the principle of the Metropolitan Police. Thus Mr. George Tyrell, a Superintendent of the Liverpool Dock Police, in the course of his examination, answers as follows:

"It is said that about a thousand known thieves have, since the consolidation of police, been driven out of the town?"—"I

should say there might be a thousand. It has driven away a great many; but crime has increased in the suburbs."

"And you know, in fact, that they have gone just beyond the boundaries of the police?"—"Yes; and we have heard of them in different parts; for instance, at Manchester: our officers are going over there. There are a good many of the thieves there that used to be in this town."

"Do you see them also in the small townships, the villages, and small towns?"—"No, I have not seen them, I do not go out there; but we hear of robberies for miles round."

Another witness, the Governor of the House of Correction, was asked—

"Is not robbery increased in the suburbs and other places out of the reach of the police?"—"Yes; there have been some very serious robberies in the suburbs that were not so frequently heard of before. Generally speaking, I think property some few miles out of Liverpool was a few years back much more safe. There were not so many robberies then as there are at present in the suburbs."

We shall have occasion to revert to this description of evidence in that part of our report in which it will be requisite to set forth our information and opinions as to the organization of a constabulary force.

The state of insecurity produced by these migratory depredators, acting often concurrently with resident depredators of the same character, will hereafter be described.

§ 26. We have obtained, with the fullest particulars, descriptions of the individual character and proceedings of the depredators, in the best form, from the confessions of offenders of that class, made when in prison. We have to observe, on the confessions made by prisoners, with relation to their courses of depredation, that some confessions we have obtained ourselves from prisoners in gaols, under assurances that the disclosures should in no way affect them prejudicially, but under no hopes that they would obtain anything by any statements they might make. Other confessions have been obtained, under the like assurances, from prisoners in various parts of the country by chaplains and governors of gaols, and by gentlemen who have assisted the inquiry. We are more especially indebted for valuable evidence of this description to the investigations of the Rev. Mr. Bagshaw, the chaplain of the New Bailey prison, Manchester, to Mr. W. Augustus Miles, and to Mr. Burgess, the governor of the gaol at Knutsford. Where confidence was felt that no use would be made of the statements to the prejudice of the prisoners, and especially where the examination did not relate to particular cases or to particular individuals, but merely to the display of the general course of depredation, very little difficulty seemed to be felt in obtaining free communica-

tions. The confessions themselves, to which we shall advert throughout our Report, are only submitted, as they are admitted in courts of law, as corroborative of other unimpeached evidence. Where there is no apparent motive to mendacity, the Governors of prisons and other persons conversant with the habits of criminals, making due allowances for their manner of communicating information, give credit to these statements as being trustworthy in the main, when taken separately and supported by concurrent testimony.

§ 27. The more considerable depredators, the robbers of country banks and of coach parcels, are comparatively few in number, and would require very special arrangements to guard against them. For immediate practical objects we consider it the preferable course that attention should be confined, in the first instance, chiefly to the consideration of those depredations by which the greater number of persons are sufferers.

We shall give extracts from the confessions of four depredators of the migratory class and one mendicant, setting forth in detail their previous career of depredation, and the descriptions of their associates. In reading these confessions it must be borne in mind that they consist in general of notes of long statements, for the most part elicited by questions, and that it was occasionally necessary to introduce words from the question to make the answer intelligible. Three of the cases are of prisoners in the Salford gaol, and two of them are of London prisoners. The first case is that of a thief, aged 21, the son of honest parents at Manchester. His father was a coachman. The prisoner first began to steal, not for want, but "to go to the shows." He states—

For the last four years, up to 1839, I have "travelled" for a maintenance. I carried a covered hawker's basket with an oil-case on the top, with cutlery, trinkets, braces, Birmingham fancy goods, buttons, pearl, bone, and wood. This pack was not what I and others chiefly depended on; it was the excuse for travelling; and also something to fall back upon in case we could do no business of other kinds. The value of the contents would vary from 2*l.* to 4*l.* I have sold silk goods "stolen," bought of the shop-lifters: there are these in all towns, small as well as large. They will not sell to any unless they know them: if they supposed a man to be "a traveller," they would come up to him and say, perhaps, "Will you *stand* for some handkerchiefs, ribbon, anything in gold, or silver, or wearing apparel?" There are ring-stealers, on pretence of buying them. Needle-stealers from drapers'-shops "buy 100, and steal a couple of thousand." There are cant words for everything you use or do. I have seen some old cant in print, but it is nothing to the cant now used. There are three sorts of cant, the gipsies', the beggars' (such as pretended sailors and others), and the thieves'. The cants are distinct in many words, but alike in others. A stranger to the cant words could not understand the gipsies or others, save a few words here and there.

The gipsies have a cant word for every word they speak. The vagrant cant is a lower style than the thieves: they use it to tell one another what they get at different houses: they are not always thieves, they will not push themselves forward to steal; and one-half of them, if they saw another stealing, would tell of him; and yet if they could do it themselves they would. The gipsies are the worst of thieves: they live by fortune-telling; they make rings out of brass buttons and pewter, and the wives sell them as gold and silver; they have files and other implements for cutting them out; the metal ones are cast; many of them make bad money. They will coin the money in lanes, or buy it of the dealers in towns in the rough, and make it up themselves. This is extensively done, most "up" the country, the south and west of England; more round Sussex, Essex, Kent, Surrey, Northampton. They have no religion; are heavy cursers; go in families; never marry; many of them are sheep-stealers. The two families of the Boslems and Smiths, about 60 in each, are about Nottinghamshire and Derbyshire; hardly an assize or sessions, but some of this set are had up; in winter they live in towns, if very severe. They will be in one tent when out; as soon as old enough they "pair," and if they don't like each other, after a fight the woman will go to her own tribe again, and the man selects another woman. Play cards and drink the Sundays. "Travellers" will not "do business" on Sundays. There are some who will rob houses at chapel-time on that day, because they cannot get in at others. I know two sent from Leicester last March for a robbery on Sunday night. One got 15, the other 10 years. Amongst thieves there are several kinds. 1st. Those confined to picking pockets have boys to work for them, and close round them, that no one shall see them. This is very gainful; large towns furnish them, and they frequent all fairs, wakes, and races. They travel various ways, some with spring and covered carts. "Muffling" the cart is of use only when there is no watchman; the wheels and horses' feet are all clothed. I have not heard of its being done this long time. 2d. Robbers of the person with violence, mostly three together, two will hold the man, and the third rifle his pockets. All three will, perhaps, be behind when the attack is made, and one will put his arms round him, or he would hit him from behind with a stone in a handkerchief, or a heavy stick, to stun or "drop" him, and when the plunder is got, throw him out of the way. If a man is in a gig, one will get behind, and get his arms round him and drag him out, or one will hold the horse and cut the reins. A horseman will do well to take to the fields, but in a gig a man has only the chance of self-defence; few "travellers," i. e. thieves, will venture their lives if a pistol is shown. Few "travellers" are confined to one kind of robbing; in some places you will see the same persons with boys picking pockets, and others with a three-thimble table, gambling at fairs and races: it would be a good thing to stop it universally; they are thieves to a man; it would draw them to other things.

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Take one with another, Manchester is the worst town in England for a thief: I have heard the names of ——— and ——— the other side of London. Liverpool is a better place for a thief than Manchester, if he be a stranger. If you say in any other part of

England that you are from Manchester, you are at once supposed to be a thief: it is the same with London, Birmingham, and Liverpool; but they say that Manchester and Birmingham turn out more thieves than London and Liverpool. The Manchester and Liverpool are reckoned the most expert: they are thought to be of Irish parents, and to have most cunning. In fact, I'll be bound to say, that three parts of those who are travelling now throughout the kingdom have Irish blood in them, either from father, mother, or grandmother.

I should think there are some thousands of "travellers" in England, not to mention Ireland and Scotland; there are more in Scotland than Ireland, (Ireland is too poor, unless in the large towns.) I have seen 150 of different sorts at one place; at Boughton Green fair, near Northampton, in June every year, thousands of people assemble there; the police from London come to it. Then there is Lincoln April fair; Boston May fair; Newmarket in May; then to Birmingham or Sheffield fairs; then to Coventry, to Newport Pagnell (Bucks), then back to Boughton; and there is a place called "Stow Green Fair." Then Peterboro' summer fair, then Fairlop Forest, 10 miles from London, where I have seen the most gipsies, hundreds at a time. Then to Liverpool Spring-meeting, and then follow the races in all the midland and northern counties, ending up with Doncaster. Then come on the winter fairs,—Nottingham goose fair, Leicester cheese fair, Mansfield statties, (all this was detailed from memory without the least hesitation); Rotherham statties, Leeds fair, Ottley statties, (Statties mean fairs held by statute where servants are hired), Knaresborough, York; then come down to Sheffield fair, 28th November, then end up until Wrexham fair begins the year on the 6th of March. I have gone this round three times, all except Wrexham. I will go over the ground again for you: it begins at Wrexham, 7th March; Nottingham, next week Grantham, pleasure fair; Sleaford, pleasure fair; Caiston, P. L.; Lincoln, cattle fair four days, two days pleasure; Horncastle statties, Spilsby statties, Tattersall statties, Boston May fair, cattle and pleasure; then to Sleaford, again to the "big market," Tuxford fair and statties, Newark again. Derby, where some branch off to Birmingham and some to Sheffield. I went to Sheffield, Leeds cavalry races, Mansfield, Newport Pagnell, cattle and pleasure, Boughton Green, Fairlop, Redbourn races, Liverpool meeting, Stamford, some to Liverpool, and some to Stamford. Then to Henley, Staffordshire, Newcastle races, Wolverhampton races, Burton-on-Trent races, Stourbridge races, Solehull races, Warwick races, Litchfield races, Doncaster races; (this is called the "midland beat," or the "Lincolnshire gafs," and "taking the run of all those gafs.") Working upwards again, beginning at Wrexham, take Chester, Manchester Easter fair, Stockport fair, May; Macclesfield fair, Congleton fair, Ashbourne fair, Lichfield fair, a place between that and Birmingham, then an iron manufactory place; then Birmingham fair, then Coventry, and the same course down from Newport Pagnell. The north "hirings" are also attended by "travellers," or times when workmen are paid their monthly, quarterly, or half-yearly reckonings, for working in mines, &c., which are all known, and draw "travellers" to the spot for all sorts of robbing and thieving, &c. This is reckoned as good as a fair; some will go and get nothing, others "hundreds."

[Here the prisoner described the various fraudulent games played at the fairs.]

My first turn out was in Manchester, about seven years since, with two young men who were transported about 12 months after I knew them, (they had been at it eight or nine years before,) one was called ——— and the other ———. I believe they *got* seven years. This was my first turn out in Manchester; "worked" about the coach-offices. I stole handkerchiefs and picked pockets then; got about a dozen a-day; sometimes "worked" only half a-day; sold and pawned them—pawned most. A woman at the bottom of P——— street would buy any quantity at 1*s.*, 1*s.* 6*d.*, and 2*s.*; she had a cellar for old clothes, and sold them openly. My first job of money was picking the pocket of a woman in the market, at a stall; got 8*s.* 3*d.* Turned out next with N——— R———, *who had a bill out against him* last week but one; he and I both lived at home, and used to go out then robbing clothes-lines of wet clothes; it is not a profitable branch. Pawned them and sold them to persons we knew who worked at factories. I did not do anything bolder till I left Manchester, about three months after my father died, now between four and five years. I went away by myself to Liverpool, and thence direct to Dublin; I had pawned all my clothes. I went to some relatives of my mother at Navan, county of Meath, and stayed with them about three months; they used me kindly; I worked about their farm. I went thence to where my father had been a coachman at E———. Miss ——— gave me 30*s.* to send me back to Dublin, that I might get home. I had no intention of returning at the time. I returned to Liverpool, having done nothing; I took a portmanteau off a steamer; I stole a passage, as they call it; I got in among some horses, to which I was used, and when the steward had gone round, I turned out in the bustle. I escaped with the portmanteau, it produced altogether 2*l.* 5*s.* 6*d.* I sold them principally to B——— J———, in a street in Liverpool, full of lodging-houses for "travellers." I lodged at B——— H———'s, or next door in W——— C———, known for 12 or 14 years. Returned to Manchester, got work for two months selling biscuits for a man, Mr. P———. I went off with 12*s.* worth to Liverpool. I went this time near Princes Dock, as I knew not much about thieving. I took a place at 5*s.* a-week in a trading-vessel to go to London, as under-cook. I run away from her in the Isle of Man. I had received what was due. I got a passage over to Whitehaven, and then I began first shoplifting there about 10 days. I got only about as much as would keep me, 3*s.* or 4*s.* of a-night, butchers' meat or clothes; sold it where I stopped. I asked generally for a lodging-house, and found it was one where property could be sold. Came through Ulverstone to Lancaster, got a top-coat out of a coach under an opening; pawned it for 8*s.* Came through Garstang to Preston and Blackburn.

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I stayed till about February, when I started by Stockport, Macclesfield, and begged my way up to London; about seven days on the road. I went to Covent Garden Market; I lived for six weeks by stealing fruit and selling it; stealing carter's whips, coats, and cutting check straps from carriages. Got four, five, or six of these a-night,

and sold them to market people, 6*d.* to 1*s.* each; always from carriages in motion; cut it so as not to injure it, with a very sharp knife. If anybody came, supposed I was riding: there is a deal done in that way in London, not here. I was taken up for robbing a man in the street, a drunken man, charged with the attempt to rob him, and got six weeks in Coldbath-fields, now about four years since. Silence was then introduced partially, but we could speak; ten-bedded cells; used to tell their lives at a night; might talk all night long; used to say how we got money, and how spent. It is not possible for a man to spend a month in such a place but he would know how to steal, &c. I first saw a young man who was flogged for the second time for not working; it did not impress me, nor, as far as I could hear, others either. When out, I went to Maidstone; it was hopping season; and I went to get work (honest) if I could. I did not succeed. I slept on a boat in the Medway, and was beat off, and then fell asleep on some steps. Mr. J——, the constable, took me and fed me, and gave me a note to various farmers; did not get employment; back to London, it was Bartholomew fair. I got 1*l.* in money and handkerchiefs. I was taken up with my hand in a Frenchman's pocket by one of the Gilt-spur-street Compter police, but the man would not appear against me, and I was liberated on a promise I would leave town; one of the police came with me as far as Islington. I came to Barnet, and there in a lodging-house met some "travellers" coming to Northampton cheese fair; went to Dunstable with them; I went also to Woburn. I came on the night of the fair, got a quantity of grocery out of some carts, sold it at the house I stopped at; I had stopped there as I was going up; I got 16*s.* 3*d.* for it, Saturday. On Monday came to Nottingham fair (goose). Engaged there with a doll merchant, who had a carriage drawn by four dogs; he kept me, and gave me pocket-money. I stopped with him six weeks till Leeds fair. At Wakefield he beat me. At Leeds, his wife gave me a basket of dolls, and I went off with them to Bradford: got 13*s.* 6*d.* for them. I came then with that money to Manchester; came here for the "Dirt fair," a large Salford fair, but I durst not be seen. Stopped till the Monday following, when I went to Stockport, stole a top-coat, and got 11*s.* After that I engaged with Dr. ——, the Dr. Eady of Manchester, to deliver out his bills, at 7*s.*, and my victuals; stayed till February, when I made another start. Went first to Liverpool, and then to Warrington; felt ill. Went to Nantwich; I lay in the Nantwich workhouse till May with a brain fever; I never thought of my state, or thought of death; I gave a deal of trouble, and most of them were against me. I went, as soon as out, to Congleton May fair: got only 16*s.* in the two days. I was so weak I could not stand the press of the crowd, or I should have got more. There was a man who lost 82*l.*, and I think the man who got it left early in the afternoon by the coach for Manchester. Next to Leek fair, one day, two of us got 28*s.* a-piece. W—— G——, from Kidderminster, transported 12 months since for stealing a piece of cloth at Critch, seven years from Derby. We went next to Ashbourne fair. He was four years older than me; all the three constables knew him, so he kept in till night. We took a countryman, who was stupid drunk, out with the intention of showing him a lodging, and robbed him in a stable of his money, about 4*l.* 3*s.* and some cop-

per; could not get his watch. The man who owned the place came, and we then left him. Stayed all night, and went next day to "Lichfield Bower," when the trades walk. As soon as we got into town, G—— was taken up, and "got 14 days to Stafford;" I went to a house in the town, borrowed a smock frock, and got seven silk handkerchiefs; sold them at a public-house, 2*s.* each. We went next to Walsall horse fair, one day, got nothing. Birmingham Whitsun fair lasts a week; a poor fair for money (constables so thick). There is a man called H——, who has a keen eye, and will pick a "traveller" out soon; he knows the appearance of a townsman, goes to the house where strangers frequent, and if he sees one next day in the street, will know him again. Spent what money I had, and got little or nothing. Went out, three of us, to Yardly, three miles off, stealing linen hung out to dry, with S—— F—— and W—— J—— from Market Harborough, (since transported, October twelvemonths from Leicester.) J—— and I were taken up and sent to Worcester for sessions; pleaded not guilty; convicted; three months, and twice flogged; I got three dozen, and he three and a half; he did not behave so well as I did; Mr. Lavender, governor; it is a very strict gaol; can't peak on the wheel; the punishment for speaking 24 hours in black-hole; here it is stopping victuals. I had rather have the victuals stopped, because it is partially done in the other case, only 1 lb. of bread being allowed in black-hole. No chance of conversing at meal-times or bed-time. All separate cells. When out, went alone to Birmingham fair, the Onion fair, three days' fair; my friends (thieves) made a gathering for me, and I got about 15*s.*; this is very frequently done, sometimes get up to 5*l.* Came down to Nottingham goose fair alone, not very well; got in the week between 2*l.* and 3*l.*, different things, money, handkerchiefs. Next to Leicester cheese fair, October, with two Nottingham lads, younger than me. I had known them 12 months; one called R——, the other F——; neither their right names; since transported from Nottingham for picking pockets last year. Next to Leicester fair; F—— was the least, and picked the pockets, and we two covered him: got 1*l.*, 8*s.*, and 4*s.* I was trying a man's pocket, he felt me, and had me taken; they got off, and I was sent to Leicester town gaol for 14 days; not so strict as Worcester; very bad discipline; allowed talking and smoking, so as no noise was made.

[The prisoner then described further portions of his career; the prisoners he met, and occasional committals.]

I went to York by myself,—York statties, (many Manchester people go there.) M—— G—— was there; he has a brother J—— G——. M—— G—— is supposed to be the first hand who ever turned out of Manchester; has most money; he was there with B—— M——, (he I saw last at Birmingham last September; he is a Manchester or Liverpool man.) M—— is now in Lancaster from this place; I have known him as a thief for seven years; about 21 years old; he has served 12 months at Coventry. There were a many Manchester and Liverpool thieves there, and from all the large towns; it is the largest statties in Yorkshire. They were most of them parties, called "working in mobs," *i. e.* parties. They will say, "Who are you working with?" and the answer, "Oh, I have got a mob of my own;" three

or four men and a boy, the boy for women, and a grown-up person for the men. Such parties as these don't hesitate at nothing. I knew five parties there; I was still alone, I got about 16*l.* from women chiefly, all standing still; I should not have attempted them, if they had been in motion, by myself; I saw several successful attempts by others, and they saw me; they knew I was successful; there is a sort of honour amongst us until we fall asleep or get drunk, and then they will "barber" one another, "skewer them of all they have." Next I came down to Manchester; it was now about the middle of November; here about a week; to Stockport and Macclesfield alone, then reduced, for I had got rid of all in three weeks in drink and clothes; and then I got some clothes off a line, and got about 16*s.* or 17*s.*, and went on to Congleton. I got into the constable's garden and stole some linen; I did not know he was so; I told of it to the people of the lodging-house, who, when I went to bed, went and told of me, and I was sent to Knutsford sessions; pleaded guilty, and got three months; very strict gaol; silence; very little food; came out April 1st to Manchester, Easter (Knott Mill) fair. I got 16*s.* from a woman; she missed it, and I had to run. I went to G—— street, Shudehill, stayed till the Thursday, when I got a silk handkerchief out of a gentleman's pocket at a print-shop: the gentleman cried out, but I dropped it; and he got his handkerchief, and so I got off. After that I thought I had better leave Manchester.

[The prisoner then narrated another journey, and one to London, and described Fairlop fair, and other fairs he visited.]

Next morning he showed me how to get handkerchiefs; we got five pieces in one shop; did not suspect us; bought one handkerchief. Sold them to S—— B——, a "traveller," who has a horse and cart, and belongs to Spilsby. Has been 15 or 16 years well known among "travellers;" has not been taken up once in three years; he makes a very goop thing of it. He drinks and gambles a great deal; his wife is transported. He goes through Lincoln, Nottingham, Leicester, and Northampton. Sometimes he has boys with him to pick pockets. He is a dark-complexioned man, about 33; sometimes dressed like a farmer, sometimes like a gentleman. I have seen him in three different dresses in a day at Boston; he carries them in a cart; it is a covered cart, one horse. I have sold him many things, and seen others too. There is some place he has in Birmingham, where he disposes of them. Next to Horncastle with the ginger-bread man and P——; only two shops; could do nothing. Went out on the road; statties in May; and he played the thimble; we got about 30*s.* a-piece by it; at it about two hours. At night we robbed a van in the yard where we stopped, a carrier's, and got various things, which we took to Boston, and sold them to a man who has a "swing boat," a thing for children to ride in at fairs, B—— S——, who would buy anything of that sort; he goes the same beat as the last man. At Boston we could get nothing in the fair. There was a woman traveller in our house who turned out at night, and we also to protect her; she got 12*l.* from a man, and shared with us 4*l.* each; her name S—— S——, from Wisbeach; knew her before; she has travelled 9 or 10 years; is about 29; seen her all over that same beat. I have drank with her.

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Came to Barnet, St. Alban's, and to Redburn races. (I can for the last two years since I have taken to thieving "rightly" tell almost the days of the week of any transaction. We often tell our stories to each other, in and out of prison; and then we know all the days of the months of the fairs, and the days of the week that they begin.) At Redburn we met a man called F——, who belongs to Gloucester; a young man who plays garter very well; I and D—— T—— assisted him, but B—— not being a good hand, went through the fair pocket-picking. He got 30*s.*, we got 36*s.* amongst us; not a large races. That night we stole a coat out of a booth, and sold it to W—— F——; his name is on his spring cart; he will buy anything; he belongs to the midland counties beat; he is an Irishman. I went thence alone to Woburn fair, then to Birmingham; I met a man called N——, who has been a drover, but now a "traveller;" we robbed a clothes-stall of smock frocks, and got 4*l.* for them; did it at dusk; sold them to a man at Little Brickhill, in Bedfordshire, who keeps a lodging-house; don't know his name; N—— knew him. Next to Northampton, two days, nothing; to Stamford races; met P—— and D—— B—— again; we played thimble on the course; made little; only played it one day. Got a watch out of a man's pocket at a fight in the evening; sold it to C—— P—— for 8*s.* Next day we made about 20*s.* by handkerchiefs; at night got 26*s.* off a drunken man going out of a booth to make water.

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Walked to Birmingham to wait for Burton races; B—— B—— and I went together now. D—— T—— and D—— B—— went another way, and I have not seen them since. B—— and I (he was the younger) got 30*s.* in the market picking women's pockets. On Sunday got 16*s.* on the railway; it was then very thronged. Monday went in company with father and son, Irish, F—— H—— and M—— H——. M—— H—— was the man who was murdered in a lodging-house at Warwick the same winter (12 months since) by two Italians, who stabbed him in a quarrel; they were transported for life. He had been nearly all his life a "traveller," and had brought his son up to it, now between 18 and 19. The son was serving six months in Warwick when it was done. I was in Warwick gaol then too. The father was waiting his son's liberation. We four went to Burton races; rainy; did nothing; out at night. Back to Birmingham for Stourbridge races on the Thursday; latter end of August; left the H.'s at Birmingham. I went with a woman called Liverpool F——, and then met F——; don't know his name. There was a fight between two colliers; a farmer was pressing forwards to see it, I pushed him on, and F—— put his hand into his pockets, and got a purse of 21 sovereigns; the farmer missed it, and took me. F—— threw it down and ran; I was trying to conceal it by trampling on it; he saw and took it up and counted it, 21 sovereigns. Another man had hold of me; I was taken up before the magistrate at Stourbridge, but the man having got his money, though he appeared, he seemed satisfied, and would not press the case: two days in lock-up.

I went to Birmingham again, and same day to Solehull races, six miles; met F—— there, joined again, got 16*s.*, pockets. Next to Warwick races on the Tuesday after; very thronged; I got 21*s.* first

day, and was taken about three o'clock in the afternoon, taking a silk handkerchief hanging out of a man's pocket that two or three had tried at; I got it, and a constable behind jumped off a coach, and took me. I was sent as a vagrant for three months to the Bridewell; the man could not be found. September 6, 1837, it was I got three months to Warwick for the handkerchief. Prisoners are much mixed there. Perhaps 80 in two day-houses can communicate night and morning; at meals, not strict; no silence; better food, and more of it than this. Wheel harder than this, because they have chains instead of poles to take hold of. Stayed in Warwick a week after I came out; stayed at the "Butchers," a lodging-house; alone; forced to do anything. Same night got two hams out of a butcher's shop; sold them to the sons of a man named H——, who keeps a public-house on the Leamington-road; he wont buy himself. His sons are poachers; gave me 10*s.* for the two; the rest spent in drink at the B—— B—— in the market, a house where billiards are played, and mostly poachers, girls, and loose characters frequent. A few nights after got some raisins and eggs, and sold them to a master-sweep in Warwick, who *receives*, not far from the back of the gaol on the Birmingham-road; he gave me 8*s.* Day but one after went to Birmingham; a week nothing; pawned even my smock-frock; I generally wore one, so as to look like a farming man; a broad-brimmed hat, corded trousers, and "bluchers." In agricultural countries, most "travellers" assume that sort of disguise; a swan's-down sleeve-waistcoat and smock-frock, drab, green, or blue, according to the country. Green for Wilts, Somerset, Gloster; blue and drab for Nottingham and midland counties; many whites and drabs in Staffordshire and Lincolnshire. At Birmingham got a quantity of brushes from a stall in the market; sold them to a man who hawks such things; I even told him where I got them from; he asked, that he might be on his guard. Most of the thieves have licences; all that can raise one have them, as it is a safeguard against the Vagrant Act. Very many escape by production of their licence; they ought to be made to show their goods as well as their licence; costs 4*l.* for a basket; for a horse and cart 8*l.* One, perhaps, in three of all the hawkers are thieves; many of them have licences forged in the big towns by men who have a press of their own, to throw songs off, &c., one or more in every large town. Men get songs printed in their own names. There is a man named C—— B——, who keeps a lodging-house in Garden-street, Manchester, who has his own name as printer at the foot of his songs; he attends fairs. I have seen him at Nottingham; he was then selling steel pens.

Got 14*s.* for the brushes and spent it, drinking, alone; so reduced that I saw a carter's dinner in Dale-end, on a horse's collar, hanging, and I stole it. Went next day to Walsall Christmas market; got four handkerchiefs, sold them to colliers on the road, 10*s.*; on the road to Wolverhampton, where I got five pieces of ribbon, and got 11*s.*; sold them to a woman who kept a public-house. Next to Dudley market; nothing. On Sunday walked to Burton, wanting to reach Derby Christmas day; got there; stayed there four weeks; Saturday morning will be a twelvemonth since I left it.

I know C—— D——, father and son. C—— is considered a very expert thief. I have frequently seen him at most of the places I have

described. The father's name is C——; old C—— and young C——; old C—— has been a thief these 20 years, and brought up young C—— to it. D—— is come in within a few days; don't know his own name. B—— H—— is in again within these few days. D—— B—— is in for sessions; his name is R—— H——; in with a man called F——; a lad in our yard named A—— knows them all; it would be like asking a stone for you to ask him any questions.

In August I had promised to a lodging-house keeper at Derby to eat my Christmas dinner there; it is a very usual thing for them to give all their customers a dinner on Christmas-day. I made a better thing of my visit to Derby than I expected. Joined a young man named W. S——, who had been in the Queen of Spain's service; he was obliged to go to Spain for fear of detection; he was two years in it, and then deserted; had just returned. We agreed to work together; he was four years older than me; he was a daring spirit, and would rather work than look on; he was a headlong man, not much ingenuity. We went on the whole month, robbing market-carts, shops, fowls (we were not dressed well enough for ribbons). We robbed a man (did not injure him) in the street, took his money, 4*l.* 16*s.*; got a Scotchman's pack from a gig, with silk shawls, &c., it fetched 5*l.*; four top-coats from an inn at one time, 4*l.*; made it all in about a week, perhaps 14*l.* or 15*l.*, beside our keep. Bought better clothes; the coat and trowsers which I now have were bought then, in the last week of our stay. Then went to Nottingham, last week in January, got drinking and spent all. On Monday to Loughborough; next morning got six silk handkerchiefs, shops; we were followed to Leicester and taken with them on us. Tried at sessions and got six months, did not recognise us; I had been in the town's gaol before; the best gaol for a prisoner in England; one hour to breakfast, two to dinner, supper at six, no more wheel; locked up at eight, and sleep three in a cell; no silence, all felons together, two yards to misdemeanours and vagrants.

Out of Leicester gaol 6th September, 1838; came to Nottingham Friday; on Monday got as many handkerchiefs from shops as produced 16*s.*; W—— S——, Newport, who had been a drover, who was with me at Woburn (he had got 16*l.* of a farmer at Newport Pagnell, and had left it for Leicester, where he had been a week when we came out). Tuesday got as many more handkerchiefs as raised 12*s.*, and next morning went to Mansfield; not shops enough to go to; those we robbed were two new shops (W—— J—— has been all these rounds, and got 12 months in the name of J—— same sessions as me, for silk waistcoating); got many handkerchiefs at Mansfield, better than three dozen, two old shops, and brought them to Nottingham, and sold them, as also the former, to F. W——; they brought 3*l.* 18*s.* Took coach to Derby again, and stopped one night only on road to Birmingham, three of us. At Derby we got handkerchiefs, and then to Ashby, 13 miles, got handkerchiefs and ribbon; Tamworth got more, 14 miles; Fazeley two dozen black silk handkerchiefs; Atherton some more; N—— and I quarrelled about the handkerchiefs, we separated, each one taking his share; S—— and I went together (he went to Leicester); we got to Birmingham Saturday night, and sold all we had to a young fellow named J—— G——, who is mostly about Leeds and Wakefield,

and that part, with a woman, about 23; she is called J—— L——; we sold them him at the receiver's price, and he would sell them on the road 1*s.* 6*d.* and 2*s.* each; they fetched 4*l.* 12*s.* for them. They, those two, go out stealing every night; she as a prostitute robs, and he is ready to protect her if she is taken to; she is a pretty woman. Was in Birmingham four or five days, from Saturday night till Thursday; came towards Manchester, did nothing till we got to Newcastle; got eight handkerchiefs then, and sold them on road to farmers; got 1*l.* for them, worth 4*s.* 6*d.* or 5*s.* each; Congleton, got 14 handkerchiefs; sold them to a man who hawks corks, coming to Stockport; gave us 2*s.* each; he knew they were stolen. Macclesfield, only one piece of ribbon, got 3*s.* 6*d.* for it; then to Stockport, got 12 handkerchiefs, and brought them into the town, and pledged them; those people make a deal of money by run-out pledges; they were not hemmed, they did not ask any questions; what made them perhaps more ready of taking them then was, it was Heaton Park race week, when young men pledge their clothes, &c., to go to the races.

Got to Manchester on the Thursday, September, latter end; all we got afterwards in Manchester was about 16*s.*; went to Bury, got six handkerchiefs from shops, sold them on road to Rochdale, 12*s.*; drinking; S—— and I quarrelled, and we parted; he came to Manchester, and I took up with P—— F——, an Irishman (has been one month here); I went with him to Halifax, he was going to Newcastle-upon-Tyne; he keeps down in the north. At Halifax, in two mornings, got as many handkerchiefs as fetched 4*l.*, and combs 1*l.* Next to Wakefield, drinking all first day; next day got 15 handkerchiefs, and sold them for 30*s.* to J—— G—— again, whom we had last seen at Birmingham, and he then bought a large lot of us as before. P—— stole three handkerchiefs out of a tailor's shop; I and G—— stood at the door; G—— and me were taken for it; not proof sufficient; G—— got liberated, and I got 14 days to Wakefield, and 10*s.* to pay. The day before I came out he got three months for hawking without a licence; he was taken on charge of felony, got three months, and comes out either to-day, or very soon; G—— went away; I went to Sheffield, could do nothing; I sold some knives to F. W——; thence to Rotheram statties, and got about 6*s.*; Pennistone statties 12*s.*, pockets. At Rotherham I joined with A—— L——, who is a returned transport, and who keeps a pawnbroker's shop since his return, in Manchester, and had also kept a public-house since in Leith, in Scotland; he is now either at Liverpool, Hull, or this town; he has been back three or four years; he was at the hulks, served seven years, gave a bad account of it, did not like to talk about it. From Pennistone to Leeds fair; got some handkerchiefs and two pieces of cloth; there were with me W—— D—— and J—— Q——, both in here last summer for three months; joined with them; D—— belongs to the Salford set, who frequent the B—— inn; Q—— belongs to Liverpool; D—— has a brother, who belongs to the set; there may be a dozen of them, besides women; there is R—— H——, D—— B——, W—— B——. A——n, under sentence of transportation, was one of the same, and S——, both transported last session, here now.

Sold the cloth and handkerchiefs for 2*l.* 9*s.* next morning; Saturday night we got 2*l.* in Wombwell's wild beast show, money, from pockets,

not suspected. Monday to Wakefield fair, and we four got 3*l.*, pockets then to Leeds again, and Bradford, nine handkerchiefs, 18*s.* sold on road to Otley; at Otley statties got not much, two constables very quick; got only about 2*l.* from 11 till 4 afternoon.

* * * * * *

"Travellers" change their ground; when they have been once convicted in a county, they try to shun that county, and some will have been all over England, Ireland, and Wales; as many in Wales as other places; more in England, because there is more plunder; not many Welsh and Scotch thieves, but more Irish than either English, Welsh, or Scotch, or them all put together; they are either Irish bred and born, or else some of the family are; my mother was an Irishwoman, and an honest one; of the women, thieves and prostitutes, there are a still larger number Irish than men.

[The prisoner then enumerated the houses.]

There are bad of both kinds, for gambling there is nothing to choose, but for "travellers" there are more jerry-shops than public-houses by many. I know of jerry-shops started by thieves for the accommodation of their acquaintances. Two at Nottingham in a court. Then at Leicester three, and three at Sheffield. I have been at all these myself. (In Sheffield there are five public-houses in a street not 200 yards long, and every one a resort for thieves, men and women). In Halifax two public-houses and a jerry-shop, all open houses for "travellers." In Manchester six in one street, viz., four jerry-shops and two public-houses, all receptacles for thieves, and one public-house in another street. In fact, in all parts of the country, and in all towns, there have been a great number of jerry-shops started by thieves to get the custom of "travellers." "Travellers" spend more money at such places than other customers, oftentimes drinking and gambling all day. I think the jerry-shops have done good to the brewers, but nothing but harm to other people, except thieves. It's easy enough to begin one. There is 8*l.* for a licence, and about 8*l.* more will set them up in every thing. The first week will pay this outlay in general; there is generally a dinner given gratis, and drink is paid for. In these places it is that "work" is planned, and they are what are called a "plant," or place for "planting" things, *i.e.* hiding things. I know many that are brothels in Manchester, Rochdale, Halifax, Huddersfield, Nottingham, and indeed in all towns.

He states that—

There are many more travellers who go in companies than alone; three is the general number, one woman and two men; two women will go together without men. The largest company are at fairs, where there will be four men and a boy. I have seen at Bartholomew fair, Boughton Green fair, Burton races, Newcastle races, and Stourbridge, Mansfield statties, Newark, and Boston, thieves rescued by their companions, and women rescued much oftener, especially at Birmingham, sometimes by talking them out of it, and, if that would not do, by force, which is the general way. The constable's thumb at Burton was nearly bit off. If they have sticks strike them on the upper arm, or on the calf of the leg, which disables a man instantly, if not bite the thumb; not much use of the fist in such cases. All those cases arose from want of more constables.

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There is a man who keeps a jerry-shop, J—— T——, who has been at it 20 years, and never taken but once, when he was transported and went abroad; has been back between two and three years. F—— W—— of Nottingham has not been taken above twice in nine years; "very few weeks pass over his head that he is not master of from 10*l.* to 20*l.*, sometimes 100*l.*" Then there is S—— B——, who has been 15 years at it and never convicted, though taken, perhaps, three or four times; he makes a boast of it. There was a man transported from Chester last August, who had gone 16 or 17 years, and used to boast that the ship was never made, nor the wood grown to make one, that would carry him over the water "legged" (ironed.) I have known a many others. M—— H—— of this town, 10 or 11 years, though several times convicted, lives about Shudehill, now at large.

* * * * * *

Very often went to neighbouring towns for fear of the police. Near London there is a horse-patrol; I would not like to work where they are. It would be one of the best things as ever was established if there were 40 or 50 clever constables to travel through England, and go to all fairs, races, &c., and if they knew the cant they might detect them when taken, as they use cant words one to another; they would soon know the faces of thieves and drive them off; they should change their rounds.

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"If a man comes twice to a prison he fears nothing the second time, no punishment to him; the wheel is much disliked; some would rather be on than off this time of the year." The monitors will turn on voluntarily in cold weather. The monitors (prisoners) do not dare to report any offence for fear of being *broke;* the rest will make up some story against them, and sure to get them broke.

* * * * * *

The Irish have one branch almost to themselves in all large towns, that is, illicit distillation. The spirit, chiefly whiskey, is made out of treacle-water, sugar-washings, *i. e.* empty grocer's hogsheads, or very brown sugar. They put barm in it; make from one to ten gallons at a time. It is carried about by their females in bladders with tin necks and a cork, to retail it to the servants at back doors, in exchange for food, clothes, &c. A deal amongst colliers. The jerry-shops are chiefly supplied this way. Generally kept upstairs, or in the cellar under a flag in the earth. Lodging-house keepers will never go elsewhere when it is made in the neighbourhood. Fetches about half-price.

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The next prisoner was 22 years of age, the son of respectable parents. He stated,—

14th January, 1838, I left this town expressly to live by robbing, as I have been out of prison (six months) since November, and I first went to Chorley, stopped three days there, did some little, "me and another young man," about 4*l.*, principally by picking pockets. It was getting on busy, a small town. Then to Preston a fortnight; got a decent sum, about 30*l.* Thence to Garstang—market-day: just as we got in met a drunken man, we knocked him down, robbed him, did not hurt him much, got 12*l.* and went on without stopping, got to Lancaster at night by coach, which overtook us soon after we left

Garstang. Stayed about a week. Just as about going out a native of Lancaster, just out of the castle (gaol), told us he would take us to a house, if we would get "screws" (housebreaking implements), &c.; it was a gentleman's house. Just as we had got the door open, two gentlemen at eleven at night came up the walk, took him, and we two escaped. We went right away for Kendall; did nothing there. Only one night over Shaffels and to Penrith. Then to Carlisle, stayed 14 days, got "very fair" there. If people in Manchester were same as they are there, there would not be so much got, "it is up in the north," "they are near the Scotch." We got what kept us on the road; most we got was 5*l.* Next intended to go to Scotland, but changed mind and to Altwistle, a village; then to Hexham three days, some little money in the market-place. Got 25*l.* of a flour-dealer, the man was not drunk; flattened his nose; about three minutes about it. Went straight off all night to Newcastle, got there early in the morning,—big town,—no suspicion. There a fortnight, robbed a warehouse there by ourselves; my companion had been up the country before and knew the people. Done between seven and nine at night; a "crack" burglary, got two dozen of silver spoons and some silk which fetched 15*l.* A piece of silk handkerchiefs, got them off in a bag. My companion disposed of them; he gave me the full half of what he said he got. Kept his handkerchiefs in piece for wear, as we were going out of the town—got them hemmed by the women where we lodged; all thieves. Went thence to Durham, only there one day—to look at the cathedral—did nothing there. Next to Darlington—nothing. Stockton next, where we stayed (in March) a week, got about 12*l.* One thing particular there, we were suspected after we had got away, they followed and took us, they could not swear to the purse and 12*l.*, but we were sent to Durham gaol for a month. This was done by picking the pocket of a person on the move; "more done that way than any other now a day." In the winter they don't work at the mill; they can ouly put on 12 on the mills at once, the rest teaze oakum; it's not so sharp service as the New Bailey; governor was formerly surgeon of the prison. Bread is better than here; the diet altogether better there; the skilly (broth) is thicker, though less of it. From Durham we went to Sunderland; we had given up 18*l.* to the turnkey, and received it again. Went to Sunderland—there a week—did not attempt anything. I used to read at night. One night I could find no other books but the Bible, and I read that; at the time I was much struck with a passage in Isaiah which I could not shake off for some weeks; it was about "the sending a Saviour who should deliver." From Sunderland to Shields, got about 8*l.* by pockets, then to Newcastle again; two days did nothing. Then to Durham and were very careful, and determined to work back to Manchester. To Darlington—Richmond, Yorkshire, Bedale, Gunboro', and to Whitby. The constable was gone to Northallerton sessions; we got 4*l.*, a lady's pocket in the Market-Scarboro' (about May), got about 3*l.* two days; thence to Burlington one night; Headon, did nothing there. Then to a place near Sir Clifford Constable's; through villages to Garingwold, got a country farmer and robbed him of 5*l.* (we were low, not working now.) Came next to York, two days; got about 2*l.* 10*s.* of a gentleman looking at the minster, talking to him and admiring the building. Thence

to Leeds; got some little, about 10*l.*—there two days. Then Bradford, got 3*l.*, to Halifax, and then to Rochdale, and so home. Arrived there in May about the 25th, stayed about three days; went off with the same men to Warrington, St. Helens, Wigan, Bolton, and Manchester. One of the constables stopped us coming in at Windsor Bridge, took 7*s.* 6*d.* of us; we got it by application at Town Hall. Went out to Ashton, got 5*l.*, then started to Huddersfield, nothing much, about 5*l.* pockets; had to fly very quick; to Wakefield three days, got about 25*s.* Selby and Hull some few pounds. Then to Beverley, Scarboro'; there on the coronation day—pretty fair that day, got in the procession about 3*l.* and at a supper at night got 25*l.* of a gentleman who had come out of the hall—pocket. Next morning to Whitby, Loftus, Stockton, Hartlepool, when we lit of an old sailor just landed who had got 25*l.*, his wages, just received—picked his pocket,—he was not drunk. Thence to Newcastle, Morpeth, and did nothing more till we got into Edinburgh; there we were a fortnight. "Drawed" a till there out of a shop and got about 30*l.* about ten in the morning, a grocer's; there was no one in the shop. The drawer was open and a bowl in it; 20*l.* in silver, 10 sovereigns. Thence to Stirling, Falkirk, and Glasgow; there a fortnight, got about 20*l.* the day before we went out, to help us on the road. Thence to Greenock; we might have steamed it, but walked to see the country. Greenock is a pretty town, but we did not choose to do much—we thought the summer was cold. Next to Ayr, and got about 40*l.*; my companion got the money by picking the pocket of a female; he gave it me; we were very hotly pursued and parted, and I have never seen him since. I ran towards Mayhole in the direction of Portpatrick; I thought myself secure when I got to Robert Burns' cottage, about three miles. I looked about it; admired the scenery, and went on to Girvin and Portpatrick. I did nothing more in Scotland. Crossed the water to Donaghadee (by myself), walked to Belfast, there four days, got about 7*l.* 10*s.* the last day, and set off then—shop-lifting, or drawing the till, a linen-draper's, nine in the morning. Then Bunbridge, through Lisburn, a fair at Banbridge, and got 20*l.* off a horsedealer—pocket. Then to Newry; I had a pretty fair sum on me, about 40*l.* Then to Drogheda, and went to see the monument "to king William of the Boyne." Then to Dundalk and Dublin. There a month, got about 10*l.* day before I came away, to fetch me home—a lady's pocket. There was a deal of police in Dublin, but I did not think them right sharp, and I consider there is more chance of robbing them in Dublin than in any part of England. I was doing well, but still I had a longing after Manchester. I stayed two days at Liverpool, and got to Manchester 20th October. I had about 25*l.* on my arrival and lived on it till the night I was taken, about the 20th November. I did not do anything at all at Manchester, and meant to settle.

On the means of prevention he observes,—

I considered that in London or Liverpool, or such places as have got the new police, there is little to be done, unless it be picking pockets. People there think that they are safe under the eye of the new police, and will take large sums of money in their pockets. People in other places will send for a creditor, instead of taking the money. It is my

opinion that if some of the master pickpockets were taken up and sent out of the country, it would do more good than transporting a hundred boys. There are many. There is first P—— J——, a man now in, could tell me if his brothers are concerned with him.

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Amongst other practices, he described

Robbing people in the streets *with violence;* hit you on the head with a stone in a stocking, or hand, make you senseless to that degree you cannot speak or know anything. I believe Mr. N——, the late chairman of sessions, was so served at his own door, and they knew him, too, who he was. Sometimes they take fast hold of the nose, and pushing it quite flat towards the mouth, so as almost to break the gristle of the nose, this will take away a man's senses nearly. Another way is to seize him by the hair in front and pull him down to the very ground by it, and hold him there till the pain will almost take his senses, and so rob him.

If I had a home I would not have a coal grid (or grating), as many robberies are done that way; the strongest chain is soon snapped. I would keep my coal in my yard; a boy, and most men, can generally get down. Underground kitchen windows are bad places to guard; the strongest bar will be pushed up almost as you walk along. A drop latch, connecting with the outside, should have a button on it to turn down at night. Inside bolts should be top and bottom, and, to be good for anything, should, when shot, be locked in that position by one of these patent locks, so no boy could shown in. The main door key is best left in the lock.

Thieves generally avoid breaking in when the time would make it a burglary. Many of the poor people's houses are robbed when the husband has just left at five o'clock to go to his work, and before his wife gets up; they get in by false keys. It is no matter to a thief whether the person robbed is rich or poor, so that he has got anything.

The following are notes of the confessions of a young thief confined in Cold Bath Fields prison, setting forth the particulars of a predatory incursion from London:—

A twelvemonth ago he and P—— were together in Cold Bath Fields, where they planned a thieving journey to Kidderminster.

They built a dog-cart, stole two dogs from Smithfield, bought hardware, brooms, &c., at a shop near Farringdon-street, to the amount of 17*s.* While they were purchasing the articles, two companions stole for them a dozen and a half of hand-brooms from the door; they valued them at 5*s.*, making, as four were concerned, 1*s.* 3*d.* each;—P—— and H—— paid them 2*s.* 6*d.* They also took with them twenty sixpences and ten shillings bad money, which they concealed in a large false bottom of the cart. Thus equipped, H—— with 5*s.*, P—— with 15*s.* 6*d.*, they started off about twelve at noon, in the winter or end of autumn. At Wandsworth they sold a mat for 1*s.* 4*d.* and a broom for 11*d.* They went on to Wimbledon and called at a public-house, where they had a pint of beer, for which they gave a bad sixpence. The landlady served them, and then went into the inner bar and continued serving. The boy H—— reached round and took four silver salt-spoons which were on a shelf; he would have taken the salt-cellars, but

was afraid they might soon be missed. They decamped, bought some bread and cheese, and hastened out of the town in about ten minutes after the robbery. At Kingston they went to a travellers' house and sold the spoons to their landlord, who gave them board and lodging for the night and next day, with 5*s.* for the bargain.

They proceeded on their journey, and at about half-past ten a coach passed them on the road; a small trunk was fastened on behind the seat. P—— ran after the coach, climbed up, and cut it down. It contained a quantity of papers, and nothing else. They tore the papers into shreds, and, having destroyed the box, they hid the pieces. This box was subsequently advertised, and a reward of 50*l.* offered for the recovery.

At the next town (the boy did not recollect the names of the places), about eleven or twelve miles from Kingston, they went to a public-house; it was market-day. H—— made cloth caps, and in the course of the evening he sold a dozen and a half, at 1*s.* 6*d.* each, to the countrymen in the tap-room. They stole a great coat which belonged to one of their customers, and hid it in the false bottom of their cart. There was a hue-and-cry for it; some suspected the boys, but the landlady said she could be answerable that the poor lads were innocent. Having proceeded next day on their route, they sold it to a passing countryman for 3*s.* H—— considers it to have been worth about 7*s.*

For three weeks they lived entirely on the produce of what they sold, and ultimately arrived at Kidderminster.

They put up for a short time at a travellers' house. Houses of this kind are in every town, price 3*d.* or 4*d.* a-night; they have a common kitchen where the trampers cook and live. (P—— confirmed this, and stated that the better sort pay 6*d.*, and have the attendance of a girl to cook.)

At every lodging-house on the road H—— met plenty of trampers, and he did not see one face that he had not seen at St. Giles's. They also recognised him, and compared notes. Some were hawkers, some were going half-naked, some were ballad-singers, some were going about with false letters, others as broken-down tradesmen, some as old soldiers, and some as shipwrecked sailors; and every night they told each other of *good houses*. They all lived well, never ate any broken victuals, but had meat breakfasts, good dinners, hot suppers, and frequently ended by going to bed very drunk. Not one spent less than 3*s.* a-day, many a great deal more. They sometimes make 5*s.* and average 3*s.* 6*d.* per day; some often get a sovereign where humane people reside. (All this is confirmed by P——.)

P—— having been employed at a carpet-manufactory before he came to London, went to visit his old friends, and was soon able to introduce H——. Every day these boys stole balls of twine and string from this place. They daily went there to take whatever they could lay their hands upon, and have brought out two and three dozen balls of a day in their great-coat pockets, finding a ready market for their plunder in the rag-shops. The first lot they sold was worth about 1*l.*, and they got 10*s.* 6*d.* for it. They did not dispose of any stock-in-trade while in the town, but lived by plundering the manufactory and picking pockets in the streets. Some of the property they pawned, some they sold to trampers at the lodging-houses.

P—— and H—— were very punctual in attendance at the churches, where they always robbed. They took three watches—one was pawned for 15*s.*, the other two for 1*l.* a-piece. P—— is very clever at "easing a yokel of his watch."

They went to a fair about fifteen miles from Kidderminster, leaving their dogs and cart at a public-house about two miles from the scene. P——, who can play "prick in the garter," soon got a mob, and soon found "betters." He allowed them to win nearly all the money he had, and then won it back with double interest. In the mean time H——, who never appeared to know P——, was very busy rifling the farmers' pockets of their money-bags. (He minutely described the bags as being to him a matter of great singularity.) He took eight bags in a short time, but the richest of the eight contained only 15*s.*; he also took seven handkerchiefs. One of the party having lost a bet, applied to his pocket, but missed his purse; a row ensued, every one felt his pockets; the robbed and the swindled gave vent to their anger, and, having secured P——, took him to a pond and ducked him. H—— decamped when the storm was brewing, as he had all the bags and property about him. This occurred at about four in the afternoon, and at about nine P——, having concealed himself after his ducking, joined H—— at the public-house, and off they set in their vehicle.

They left the neighbourhood and shaped their course for London. On their journey back they entered a gentleman's house, about half-past eight in the evening. It stood upon a hill, and was to let. They opened the kitchen-window and rummaged all over the house for about an hour, taking away a great-coat, some glass decanters, and a hearth-rug. On arriving at the next town, which was about ten miles off (and they travelled in the night after this robbery), they told the landlord they had something to sell. His wife went out and returned shortly after with a man, who bought the lot for 1*l.* 5*s.* 6*d.*; but H—— remarked, "The fellow swindled us, for the decanters were worth all the money, but we were glad to get rid of them at any price." At some distance from this town they came near a large village, and saw several persons coming towards them, when P—— put down the table for the "garter story." H—— began betting, and the people, when they came up, stopped to see the fun. Shortly they began to play, and H—— began to thieve; at length they became exasperated at their losses to P——; H—— had retreated, and, having packed away the property in the dog-cart, was moving off, when the storm broke out, and P—— again got into a scrape. He was severely thumped and beaten; H—— was accused of being an accomplice, and they were both locked up in the cage till next day, when the magistrates acquitted them, remarking that P——, if guilty, had received punishment enough, and as for H——, there was no charge against him. It remained a mystery amongst them what had become of the stolen property, for neither boy had been out of their sight, and yet nothing was found either on them or in the cart. They never suspected the false bottom.

About thirty miles they stopped a night at a public-house, and became friendly with some soldiers who were billeted at the house, being on a march with their regiment. While the soldiers were telling their adventures, the boys stole 2*l.* from them. The next morning the

alarm was given, and P—— was again the scape-goat. H—— fled, and hid the purses here and there about the stable-grounds as quickly as possible; some he threw down the privy, and they were found by one of the soldiers. The landlady in this instance took part with the boys, and, as no other person had been in the company, the soldiers, though there was no proof, had no alternative but to suspect the boys, or one of their own comrades: however, the boys got clear off.

At a short distance (that is, about twenty miles) from London, they stopped at a gentleman's house to hawk some things, and, while the servant went upstairs with some hearth-brooms, P—— slipped into the parlour and brought out a watch and a silver egg-stand. The servant bought about 5*s*. worth of things on her return, and they made the best of their way from the premises. In five days after they were in London, having added to their plunder from the gentleman's house a pair of silver salt-cellars, which they stole from a public-house where they slept. This plunder they brought to London. The silver was sold for 3*s*. 6*d*. the ounce; the watch for 15*l*.

The following are extracts from the examinations of two prisonersi n Knutsford gaol, aged fourteen, and one aged seventeen. We have preferred to clear it of some of the slang terms they used. The youngest, after describing his parentage, says—

I gave up all labour, and supported myself entirely by thieving, about three years ago. I have not worked since. When not in honest employ, I was maintained by going as assistant to a man I met in a lodging-house, who travelled from one town to another, and who supported me, and who looked out while I went on the sneak or thieving. Sometimes he sent me to get a place open for them to commit a robbery. I associated with people I met in the lodging-houses, who went upon the game. I eluded detection, or apprehension, by leaving a place as soon as I had made a hit, my companions sometimes knocking people down, and sometimes milling me out of the crowd. I have been apprehended and got off, because they could not prove it, or find the things on me. In large towns we were soon known to the constables, but in small towns we cared nought about them. My companions often fetched a glass out of a public-house, and gave it to the watchman. The watchman never durst go into a public-house. If a lad gets nailed in a small town, his companions go and represent him to the constables as a relation, stating that he has been led off by bad lads, and often "gammon" the constables to let him go. They cannot come it so in a town, the constables are too knowing. The lodging-house keeper often "gammons" the country beadle for them. I have known many persons who would not prosecute, and many a one who has taken money which has been sent by the woman at the lodging-house for them not to tell a strong tale. We would frequently at night get a wire and turn the key in the lock, which was inside, straight with the hole; we could then push it out on to the floor. We had then another long wire to feel for the key and draw it under the door, then unlock the door, and help ourselves. Sometimes I have been sent begging to different houses; the people have been watched upstairs to make the beds; I have then gently opened the door, pulled the key out of the lock, and pressed it against a piece of tempered clay which I

had in my hand. We could then cut a key, and go in when we liked. There were sometimes three or four of us. We always endeavoured for money, but we could do with anything if we could not get it. If we were strangers in town, the lodging-house folks would find us a receiver for the property. We would often hide it while one of us went and made sure of the receiver. Lodging-house folks always tell us to do so, instead of carrying it into the house. They often cheat us out of half the value.

The second, aged fourteen, gives the following answers to several questions of the same series:—

I never did work much; while I did work in the day I thieved at night. I only worked for two or three weeks at once. There were plenty of places to dispose of anything we got. I lived by housebreaking, picking pockets, and stealing money-drawers; the number of thefts was according to what we got. They used to put me sometimes through a window, by taking a square out, and I opened the doors; sometimes down a cellar-hole. I was often suspected, but as soon as I got anything I gave it to the men that were with me, and they could find nothing on me. I have been taken by the constables many times, and got off in that way. I was apprehended at Stafford with two 5*l.* notes in my pocket, and my companion came and said he was my father, and he had given them me to change. The man who had been robbed could not swear to us nor the notes. My companions were very sharp; they were dressed like gentlemen, and when we were at fairs nobody would think of them being thieves. They had all sorts of tools and skeleton-keys, and were first in the country at using them. Have committed altogether many a hundred depredations in my life, little ones and big ones. I spent my time, when not on the look-out for booty with my companions, in certain beer-shops or public-houses where we were known. The landlord knew of our courses. My companions used to make it up with some (landlords) when we should be in at night, and changed their clothes to go out, that they might not be known. We were nearly always travelling; we did not commit our robberies near the towns we stopped at, but went a good way off. We went to Chester, Shrewsbury, and different towns in Lancashire, Yorkshire, Cheshire, Staffordshire, Shropshire, and many places I did not know the names of.

The third, aged seventeen, in the course of a confession of his career, gives the following answers:—

Sometimes I worked for two or three months, and then went to thieving for some months, and then go to work again. Some places I did not like to go to because the constables were sharp. The lodging-house keepers would put us down to the traps, and find us a receiver when we wanted one. I have been at a burglary, but I generally went picking pockets, or on the sneak. In one lodging-house I got off many a time by being let down a trap-door that led to an entry. I have many a time been caught by the people I have been robbing, and been let off. Myself and two other chaps stopped a Scotchman on the road near Preston, and took his pack off his back and his money, tied his hands behind him, and left him. One of my companions was taken, but we gave the woman at the lodging-house a sovereign to swear that

he was in bed at the time, so they only vagranted him. I have travelled through Yorkshire and Lancashire, but have done very little in Cheshire. We moved from one town to another, that the traps might not know us.

§ 28. We submit the following extracts from the confession obtained by the Rev. Mr. Bagshaw from a delinquent aged nineteen, recently removed as a convict from the gaol at Salford. Though the delinquent's character and adventures were peculiar, his career of depredation may be adduced as an instance characteristic of a career common to many others. The answers were given to a set of fixed interrogatories which we had prepared for guiding the course of similar inquiries, in cases where we had no means of attending and conducting them personally. (See Appendix No. 5.) From our partial experience under this Commission we are satisfied that similar inquiries, instituted after conviction, would serve as a means of obtaining highly valuable information for the prevention of crime and the advancement of the general objects of penal justice; and we are prepared to recommend that express arrangements be made for the purpose, under circumstances which we shall subsequently describe.

J—— R——, aged 19; convicted of felony. Single. A sailor. Both parents are living. Is legitimate. Was brought up at home with his parents, with two younger sisters. Father a banker's clerk; in bank 33 years; mother kept house. Father most respectable; sober, industrious, and honest. Mother honest, virtuous, industrious, and sober. Parents regularly attended the Unitarian Chapel, and required him to attend; but when they did not go he would shirk it, and tell them he had been. Used to ramble about the fields, birds'-nesting, &c. Parents took very great care of him. Ran away two or three times to go to sea, before he could get them to consent; stayed three to five days at a time, but, not being able to get a berth himself, was obliged to return home. First time treated him kindly, warning him; second time beat him with a cane; third time consented to let him go to sea. Father dined at home, and took meals always at home; mother always at home. Went to a day-school from 6 to 14, as a day-scholar to a boarding-school. Classics taught there; did not learn much Latin: there eight years. Was at a lady's school about two years before. Paid 1*l.* 8*s.* per quarter to the classical school. Not to any Sunday School. Taught reading, writing, grammar, arithmetic, geography, a little algebra. Can read and write well; understands what he reads; generally novels and tales; all the Waverley Novels; a great many books from the Mechanics' Institution; they were generally novels and tales. Thinks he should never have desired to go to sea if he had not met with that book. Going to sea has been the means of bringing him into loose habits. Attended a Socinian Chapel to 10 or 11 years old regularly, then irregularly to 14. Never to any place of worship, or not a dozen times for six years. Brought up to sea. Father had wished him to get in the warehouse trade. Never bound apprentice; engaged with a merchant, who was to find him clothes, 12*s.* a week when in port, and 30*l.* at the expiration of three

years. Did not serve his time—only two years. Run away from them at Liverpool, where his master dwelt; went under them twice to Lisbon, to Genoa, and Leghorn, Zante, and once to Constantinople—five voyages. First time stopped four months at Lisbon, a very depraved place, with women drinking, &c.; Genoa five weeks, also very depraved. Houses for music, drinking, and dancing, Sunday afternoon more than any other; that was the sailor's holiday. Had a bad, cruel, and drunken master. Never had any religion on board or on shore; left him for ill usage; flogged by him above twenty times. Engaged again with the Fairy, a Hull vessel, at Liverpool, seven months; went to the Brazils. Again at Liverpool with the Caledonia, a London vessel; went to Constantinople and Odessa: Odessa one of the best places—were not allowed into the town. This voyage was seven months: was his last voyage. Employed about four years as above, at sea; then enlisted into the Spanish service under General Evans; arrived at Santander 13th April, 1836; engaged for two years, or during the war; stopped only ten months; escaped into France with sixteen others; left because could not get the common necessaries of life; no pay, or only about 10*s.* during the ten months, and often nearly dead for want of food or clothing; two months and not in a bed at all; on the hills under bushes on the heights of St. Sebastian. Thinks the Spaniards and Portuguese the basest people he ever saw—worse in morals and more selfish; not a drunken people, but given to women. Arrived at Manchester December, 1836; February 21, 1837, taken up for having in his possession a quantity of skeleton keys; got three months; two young men gave them to him to carry; they were going to commit a robbery of a timber-yard office, at the bottom of Miller's Lane; never been with them before; had known them only a fortnight. H——, one of them, was taken during his three months, and transported for fourteen years; the other, Thomas C——, got fourteen years from Preston last sessions: neither of them taken up with him. Was never convicted till these sessions, yesterday, Wednesday 6th December, 1837.—Pleaded guilty. Has only worked four days since he came from Spain, as a joiner; was then living with parents; then took six silver spoons of his father's, and pledged them for 8*s.*, for drink for him and his shopmate; dare not return home; then took to stealing, as a mode of getting his living. Condition and habits immediately before entering upon dishonest courses were bad. The immediate cause of first offence was wanting money for drink and women, &c. During the three months that his father received him on his return from Spain he got acquainted with some noted thieves—M——, now in Lancaster, two years; S——, out at present; W——, also in Lancaster now. Was induced to commit other offences to procure money to get along with; want, &c.; but that want brought about by himself. When he went off, he did it altogether; gave up honest labour at once; and has lived now ever since last February, ten months, by crime. Found none or very few difficulties in the way of committing crime. The readiness with which property was got, and the impunity with which he had robbed before, was an encouragement. Separate confinement for a month or two, and as little meat as would sustain health might have altogether stopped him; cutting off all communication with friends, one of the worst things ever

allowed to a prisoner. All pens and ink to be totally taken out of yards. Prisoners communicate from yard to yard, and outside. By tickets on their clothes they carry on correspondence from one yard to another. Whipping always hardened him, "as if I'd strive to seek for some revenge after it." Thinks it might answer with a softish-dispositioned person. When not in honest employ was maintained by depredations. Has been concerned in about a dozen burglaries, done in the night; about seven of them in inhabited houses; the others in offices of different descriptions: generally aimed at silver-plate and money, clothing. Effected generally by skeleton keys. If they failed this way, got in at the back-cellar windows by small crow-bars. In offices used braces and bits, gouges, and small saws, to cut round a bolt which was inside. After the lock picked, easily found where the bolt was by pressure; then work a hole at each corner of the bolt, so as to get in a little saw, and then the door would open, leaving the bolt in its place, *i. e.* fast to the lintel. Never met with a chain, iron, or wooden bar. A chain is a deal preferable to a bolt; for it is impossible to get it out without making a noise. Thinks it would be a sufficient impediment to stop the work altogether. Never met with a bell; thinks it better than even a drop-latch, which is the most serious impediment he has met with. The drop-latch is formidable, because it forms part of the lock. The bolt of the lock may be shot but the thief not know it, because the door binds by the drop-latch, and so they may work for an hour, thinking it is the lock not picked. To cut out a whole lock would be too long a process. Once turned by a drop-latch; tried it nearly an hour and a half. After the robbery completed, left the door as tidy as possible. Has been concerned in picking pockets with two or three others, generally at markets and fairs. It is a lucrative and not very dangerous business, where you are not known; women's pockets in general, on account of their being easier to get into, and having only one, whatever they had was generally in it. Never concerned with personal violence. If it could be avoided, would not have recourse to violence. Associated entirely with such as myself, males and females. Did not like to trust women in the robberies; less faithful. In picking pockets in a strange town, if detected, one of companions, generally well dressed, would come up and pretend to take the thief into custody, till they went for police, and then both go off; would then leave that town, if a small one, or remove to another part of a large one, and immediately go and change dress; some three or four suits. At one time in dress of a quaker, in half an hour like a carter. Never did escape. Rescues are effected. Thinks there are more robberies here than at Liverpool; for they generally flock to Manchester and Birmingham, when let out of prison there. Birmingham is a better field than Manchester. Sheffield is too near Wakefield. They say they would sooner serve six years in any other gaol in England than two there; not allowed to look at one another. They don't like the cutting the hair so very close. In Yorkshire, that is a sign of a man coming out of a prison or workhouse; it is a common saying in that town; if only in for three days, they cut it as close as they can cut it. Has been apprehended seven times. Convicted only once. Was six times apprehended before first conviction. Prosecutor always

came forward against him. Has been acquitted, through the deficiency of evidence, four times, when guilty; not bought off; the two other times out of the seven was guilty, and treated as a vagrant; three months New Bailey, three months Borough Gaol, at Liverpool. Not near so much liberty in Borough Gaol as at Kirkdale; knows it from very good evidence. Last resided for the greatest length of time in Salford, in Queen Street, at a bad house, since broken up, T. B——'s; has heard since come in here broken up from a quarrel between him and his women. Practices and pursuits were not to any extent influenced by fear of the constables. Associates in crime were all known to the constables. Did not associate with them at all. Did not, that he is aware of, use any means with the constables, either to distract their attention or to induce them to permit or facilitate his escape: thinks them not sufficiently numerous. Mr. Diggles is more feared by thieves than any man either in Manchester or Salford; he knocks about more amongst them. Lindsay is a good man; does not know any one anywhere as much feared by thieves as Diggles; does not think his associates latterly have exhibited more dexterity than himself; they did at first. Never found prosecutors backward. Thinks there is a general deficiency of caution, careless servants not fastening what bolts there were, or a deficiency of bolts. Would recommend every door to have a drop-latch, a chain right across the door, or a bell. Never had any connivance with servants, but has reason to know, from the conversation of thieves, that the most serious robberies are effected that way, such as plate, &c. Never broke through a wall. Doors are preferred to windows and grids, because the chains are often rusty and easily broken by a leaver, or sudden jerk, and people are careless of getting them mended, or tie them with a string. Windows are not liked on account of the glass; it is very awkward to take it out in the dead of the night without letting some part drop, and the sharp noise easily wakes people. The method of taking out a pane is to run a small sprig bit, or nail, into the frame at the corner, and star the glass; then running the thumbnail in any direction you think proper, from any one of the "radii," it (the crack) will accompany the nail. Then get some putty, or small pitch plaster, by which to retain hold and yet prevent the glass from falling to the floor: that removed, the fastening is undone and entrance effected. If there is an inside shutter it can't be done at all, without you know the premises, because you can't find out where they are fastened. If a window blind be down it rather facilitates, as it would not only take off noise, but might assist in taking the glass out, catching it, and when the window is up it is readily cut off. The fastening of a shutter is very awkward to get out, as the brace cannot easily be worked to it, and in using it much noise must be made; if a bell were upon a shutter it would be impossible to break in. Prizing up cellar window bars with a piece of wood, five or six feet long, one holding the bar to avoid noise lest it should fall in. Never heard of a man being turned by a cellar window, unless interrupted. They ought to have no communication that is not cut off for the night by bolts, bells, and locks. Does not think that any thief would break a house for what was in the cellar only. Could take a spring cart to Bolton, now three o'clock, and return before ten o'clock, half full of cloth, cheese, &c., exposed, especially in small towns, at shop doors, which

are so choked with handkerchiefs, checks, &c., as to be impossible to see what was going on outside. Knows some men now who go regularly Saturday evening, market-day, and bring back, on an average, 10*l.* worth. Has never been to Bolton himself that way. Robbing public-houses, parties of five or six:—all but one keep the landlord fully employed filling, while he is up-stairs with false keys. A deal of money and plate has been taken in Manchester; more in last twelve months than in any other mode. His depredations were generally planned and executed by three besides himself, always males. Has known several depredations planned in prison; has learnt more in this prison than ever he learnt in any other place in his life, and that is the reason he would recommend solitary. Has known of half a dozen or more; sometimes bed-cells and meal times. Has known of six or seven depredations planned in this prison, and committed them himself when he went out. The system is this:—there are always five or six men in a prison who get their living by plunder; these draw raw country or town people into conversation to find out where they have worked, if there is any money, or any likelihood of getting at it, and how to get at it; and if there is they learn the best time, and seem to be quite unconcerned about the inquiry. Then after leaving prison they go and look at the place, and if it be favourable for their design, they'll commit the depredation. Will state one. There was a young man that came in that had lived in Salford, opposite to a shop. I was in conversation about people going to chapel every Sunday night (Sunday nights during service are the chief times for burglaries). He said he knew two very religious people who never missed going to chapel any Sunday night in their life. I asked him "what their business was?" He replied they were provision shopkeepers. I ascertained where they lived (does not know the name though the robbery was done); it was a provision shop. Did not do it immediately, went out of town for awhile to Liverpool, was taken there and served three months; then came back, and four weeks after, on a Sunday night, watched them out, and by a skeleton key effected my entrance, and took all the money then in the house, nearly 10*l.*; took nothing else. Entered by the front door, it is a front street in St. Stephen's Street; came out and pulled the door to. Did this alone, as there was no need of assistance. First knocked at the door to see if any one was left in, then tried the door. The whole done in about ten minutes. Did not leave the town. Thomas Diggles (the deputy constable) searched him about half an hour after the robbery. "I had hid the money in the sand by the river, had only 9*d.* when Diggles searched;" was taken for it on the Monday night again, and discharged for want of proof; no evidence against him, but being intoxicated, and having more money than usual, 26*s.* or 27*s.*, was suspected. Was not seen about the premises. Changed dress that night, and ground next day. Has planned others with other people, but had rather not tell of them, as there are others outside who were concerned, and there is a deal of noise about them yet.

Whilst in New Bailey last February and May, there was a young man came in out of Oldfield-lane, when three of us commenced pumping him, to see if he knew where there was either money or plate, but he did not at first own that he did, but afterwards, talking of the

service that I had been in in Spain, he spoke of a gentleman, that had had a silver cup presented to him by Government, that he said was of very great value. I likewise ascertained from him who this person was, and found out from him that the person owning the cup went to market with his wife every Saturday night: they kept no servant. After leaving the New Bailey I went home to my father's, and living in the neighbourhood, I ascertained it to be a fact. I afterwards left home in the course of a week, and the Saturday night after leaving home committed the robbery, in company with the other three. It was a silver cup belonging to ensign E——; he is an elderly man; got, besides the cup, six silver tea-spoons, a sovereign—that's all. I was taken up and one of the others on the Sunday morning; the other two not. Was discharged for want of evidence. Diggles took us up. It was disposed of in this town and afterwards sent to Liverpool; the inscription would be taken out, and it reburnished and sold; it is in Liverpool now. It was sold to a Fence who has been engaged in that way six or seven years. "W——," I believe. W——'s wife, now two years in Lancaster for part of the property, two gold rings which I forgot, found with her: her son-in-law and Daw were indicted and got off. Now thinks W—— is in Lancaster for debt. After the cup was taken was very sorry for it, and thought it might be restored through Diggles, not that I thought he would connive at it. I gave him the information after I had got discharged for it three days, on the promise that none of the parties should be injured. It was none of the W——s who committed the robbery. The man who gave the information in prison never knew anything of it. R——s', in Quay-Street, Liverpool, is where I suspect it is now; it is a provision shop, a great receiver of stolen property, and has been convicted twice. Was sorry about the cup from the manner in which it had been obtained by Mr. E——. Was himself in two engagements in Spain, at St. Sebastian and Fontarabia. Does not like soldiering; he went out expecting there would be a navy: was so hired, and then they made soldiers of us; did not engage at all for the army. Never engaged the prison-informing party to effect the robbery; could not have trusted them. All such plans would have been avoided if separate confinement, night and day; deal of mischief done in night, especially such long nights, and three in a cell. Generally took money or plate; when picked pocket would take nothing but money or purses. Take watches; could get rid of them as readily as anything else. Disposed of property to receivers, not pawnbrokers, that's a young trick. Got for it three shillings an ounce for silver. It must be a very good patent silver watch that fetched 2*l.*; a gold one 5*l.* or 6*l.* Scarcely received two-thirds of the value of the article. In every case it was known to be stolen, and sold expressly on that understanding. If such persons could be put down, there would be but little stealing except money. Very few burglaries. No use taking anything else. Not taken for mischief, but for gain. Should think he knows three considerable receivers here, and seven or eight in Liverpool. There are in Liverpool two or three in every street about Scotland Road. Every bit of plate from here goes there first, and from thence to Dublin. Was never at Dublin. Not melted down in Liverpool, but into bars at Dublin. Can trace it no further. Got by depredations one week with another from 3*l.* to

4*l.* in one week. One night got 27*3l.* in Liverpool picking pockets, in Lime-street, near railway; a passenger from Manchester—it was a foreign lady; in her pocket, in a small pocket-book. Was not taken up for it. Saw bills against wall; it was supposed to be lost, not stolen. There were two of them to it. It lasted for six weeks; spent it drinking and whoring. Went into Wales to look for more money—to Denbigh for three days. Got rid of more than 4*l.* a-day, drinking alone; buying bonnets, shawls, &c., for women. Pocket-picking is called "buzzing" and "tooling:" the former is "men's," the latter "women's." Men's are done with wires made on purpose. Wire-workers that are bad characters will make them for 10*s.* a piece; they are like the wire for getting corks out of a bottle, with three hooks to it; all the hooks incline inwards. There is a spring on the top, and when you think you have got it you touch it, and it closes like a crab's claw. These are very successful with those who are expert at using them—at cattle fairs, on old country farmers. The female pocket is picked by the hand; and to do it the thief must get on her right hand, for the pocket is mostly on that side; he must get into step with her; and at the moment she advances her right leg, the pocket falls back; *i. e.*, the leg goes forward, leaving the pocket perpendicular, and then he must extract the purse. He gets his left hand into the mouth of the pocket as she goes along, and then watches the moment. Another man is all along drawing her attention off by walking in her way and baffling her; then down goes the left hand, the right supports the bottom of the pocket, and the money is extracted. Walks away, except she has suspicion, then runs. Associates got about the same. Most ever knew them get when not with me was 60*l.* It was the other man who took the lady's pocket-book. Gains were irregular; sometimes weeks without success. Went to all races and fairs. Of the robberies committed by associates, or self, three is the most in one week, producing about 12*l.* to 13*l.* a-piece; between four of them about 50*l.* Have committed altogether about twelve depredations myself; have had gains from a dozen more, who were his companions. Four of them divided; could rely on each other. Not quite a fortnight elapsed from entering upon a course of crime to the period of first apprehension; considers himself very unfortunate. It was ten months from entering upon a course of crime to his first conviction. Eighteen months, perhaps, on an average is the time before a depredator is apprehended and convicted; some will go on for ten or twelve years, and some will go for the very first thing they do. H—— was transported last sessions for a burglary at Newton Heath, and never was concerned in any other robbery. The landlord of the place where they assembled knew of their courses in most, if not in all cases, on account of the police officers coming to inquire after them, and often exposing them to landlord. Never knew a landlord accuse a man, or turn him out; it would lose him his custom. While engaged in a course of crime, found dogs inside to be the greatest hindrance, and what occasioned the greatest fear; did not care much for one outside: if they were at back, would go to front. An inside dog will stop any side, and anything, if it will only make a noise. Does not know of any places or kinds of property so protected as to induce depredators to refrain from attacking them. We removed sometimes to another part of a town, or another town al-

together, and that for fear of police, and after a robbery. The most important obstructions which could be placed in the way of depredations is a more efficient police, similar to London and Liverpool. Very few robberies in centre of Liverpool; all on the outskirts, out of the police districts. The Liverpool receivers are more in number, and give a better price than here; so that it will pay a man to buy plunder here to sell again in Liverpool. These houses receive a deal of the Manchester plunder. Would not allow any music on a Sunday evening, even if public-houses were opened, but would stop them all. Would put the watch on at a quarter to 6 on a Sunday evening, now 7; that would prevent many robberies; these robberies are done in that time, and any one going to church might apprise the watch; preventing all under 16 or 17 to enter a public-house on any pretence. It is hard to say what are the most important obstructions which could be placed in the way of disposing of stolen property; that will never be dispensed with; always somebody that will buy; if one won't another will. Some people will do almost anything to get money. The best means of preventing the escape of offenders is to search them in the very first house, man or woman. Very often get rid of the property on the way to the station, by swallowing, chewing notes, dropping it in the sludge crossing the streets; and keeping every prisoner entirely separate, a good many may be convicted who now escape. It would be a very little expense to have a number of hired rooms to search in, &c. The whole night is spent in planning what shall be said.

The disclosure of such particulars of delinquency as are contained in the preceding extracts may by some be deemed objectionable. The inducements afforded by impunity, and the knowledge of the absence of proper preventive means are, however, too strongly presented as temptations, not only to those who are engaged in criminal courses, but to a far larger proportion of the lower classes than could be affected by the publication of such evidence. It is the honest portion of the community only who are in ignorance, who require to be put on their guard and convinced of the necessity of taking effective measures for the abatement of the evil. More effectual measures than have yet been taken can only be founded in more close inquiries than have yet been made, and on better knowledge of the habits and practices of the classes to be guarded against than has yet been obtained. We have received the most complete and explicit statements of their own habits from depredators themselves, made to clergymen who have obtained their confidence and carefully interrogated them.

In the Appendix we have given an account of the practices of delinquents in the metropolis, furnished to us by Mr. Chesterton, the governor of Cold-bath-fields prison. It was written for him by a person of education, not a depredator, who was imprisoned on a charge of arson, and who collected the facts from the conversations of depredators in whose company he was unavoidably kept.

§ 29. The next classes of depredators who perambulate the country are the vagrants, properly so called. Upwards of eighteen thousand commitments per annum of persons for the offence of vagrancy mark the extent of the body from which they are taken.

§ 30. It will be seen that vagrancy, or the habit of wandering abroad under colour either of distress or of some ostensible though illegal occupation, having claims on the sympathies of the uninformed, constitutes one great source of delinquency, and especially of juvenile delinquency. The returns show that the vagrant classes pervade every part of the country, rendering property insecure, propagating pernicious habits, and afflicting the minds of the sensitive with false pictures of suffering, and levying upon them an offensive impost for the relief of that destitution, for which a heavy tax is legally levied in the shape of poor's rates. Mr. Burgess, the governor of Knutsford, states:—

"I conceive the vagrant system to be quite as bad as common thieving; and the vagrants come in within the description of a thief, although they may be in for acts of vagrancy. I think they are quite as bad or worse characters than thieves."

Mr. Thomas Harril, a serjeant of the Bristol police, was asked—

"What proportion of the vagrants do you think are thieves, that make it a point to take anything for which they find a convenient opportunity?"—"I should say the greater proportion of them. They go about for the purpose of begging; at the same time they have their eyes always open to anything that may offer itself to their view. We have found it so invariably."

"Have you ever seen the children who go about as vagrants turn afterwards from vagrancy to common thieving—thieving wholly or chiefly?"—"We have found it several times."

"Therefore the suppression of vagrancy or of mendicity would be to that extent the suppression of juvenile delinquency?"—"Yes, of crime."

Mr. Fitzpatrick, magistrates' clerk at one of the police-offices in London, states:—

"Many of the young vagrants have stated that they were sent out for the purpose of begging by their parents, and punished if they did not bring home a certain sum; but I do not think that the young thieves are impelled to their vicious courses by the same means. They, I believe, have, for the most part, emancipated themselves from parental control, and have in the course of their previous loose habits become associated with more experienced depredators of both sexes, who have led them on to the commission of crime."

Mr. J. Perry, another witness, states:—

"I believe vagrancy to be the first step towards the com-

mittal of felony; and I am supported in that belief by the number of juvenile vagrants who are brought before the magistrates as thieves. One child, only twelve years old, was brought forward for felony this day for the third time within a fortnight."

An officer, appointed specially to take measures against the vagrancy in Manchester, was asked—

"Does your experience enable you to state that the large proportion of vagrants are thieves too; that is, whenever they come in the way of thieving?"—"Yes, I should call the large proportion there thieves. I know it by experience that, when I have not had the luck to catch them, I have seen the other officers bring them as thieves, men, women, and children."

"Then, from what you have observed of them, would you say that the suppression of vagrancy would go a great way to the suppression of a great quantity of depredation?"—"I am sure of it."

The return from the city of Lincoln states—

"The depredations committed by persons residing within the city bears a very small proportion to the whole. The crimes and depredations are principally perpetrated by trampers, either regular thieves or fraudulent mendicants, who prefer the license of a low lodging-house, the gin and tobacco, red herrings, dirty cards, and riot, which always prevail there, to the discipline and dietary of a workhouse. The people staying at and resorting to those lodging-houses, occasion more trouble to the police, and more expense in prosecution to the city, than all the resident inhabitants together. They come from all parts, but principally from the populous manufacturing districts,—Nottingham, Yorkshire, &c."

The answer from the borough of Derby is of the tenor of many answers from other places:—

"A considerable number of poachers, of prostitutes, and of persons who make a gain of prostitutes, gatherers of rags, bones, and pretended sellers of matches and small wares, who systematically go round the neighbouring villages pilfering and committing petty depredations; knocking off locks and hinges from gates, and selling them as old iron; obtaining money and broken victuals from mistaken charity, as soon as they get beyond the range of the police. These are calculated to exceed three hundred in number."

Another instance of the common state of the evil is presented in an answer from Layer Breton:—

"Vagrants generally lodge in some neighbouring town, from whence they issue on their circuit of mendicity during the day, returning thither at night. We are much troubled with persons habited as sailors, who go about in companies of five, seven, and even nine, apparently with the view of awing, by their numbers,

into a compliance with their petitions. It is observable, too, that market or other public days, when masters of houses are supposed to be absent, are the times often selected for these visits. Other vagrants go about with tapes, matches, or other small articles for sale, the better to cover their real character; but begging is sure to follow a refusal to purchase their goods. Constables take no notice of such characters, not even to watch their proceedings."

§ 31. From the rural districts very strong representations of the evil are made. From the St. Thomas's Union in Devonshire it is stated:—

"The greatest pest and continuation of robberies practised on all farmers, from their horses to their potatoe-fields, and every species of property that cannot be locked, is daringly done by these night marauders, gipsies. I trust some steps will be taken to put down these gangs."

The magistrates of the division of Milverton, in Somerset, state:—

"We believe that nearly all the depredations committed within our division have been committed by persons who reside in it, and that the remainder have been committed by vagrants, or persons who run about the country, without any visible means of subsistence; but from whence they come we are unable to state."

General Marriott, the chairman of the Pershore Union, states:—

"The laws are strong enough against them, and many of them suffer almost every quarter sessions; for I think the greater part of *cottage housebreaking* is performed by trampers. This in itself creates a little more vigilance than would otherwise occur. Something more specific against large bodies of vagrants travelling together might be beneficial; for sailors, bankers, and persons called navigators (not sailors), frequently extort, by terror of numbers, both from cottagers and farmers."

The return from the Plomesgate Union, in Suffolk, makes strong complaints—

"Relative to the country being so completely overrun with beggars that it appears dangerous in the extreme. Take, for instance, as it not unfrequently happens, that four, five, and even seven men, travelling in the garb of shipwrecked seamen, entering a poor woman's cottage, and demanding a something of her, which she through fear dare not refuse them; besides, it is positively known that many of these impostors are spending at their haunts more money—extorted in a considerable number of instances by menace and intimidation—than the honest and industrious men earn, whose families have, in a manner, been robbed and cheated by these impostors."

In the answer to the question respecting the existence of

lodging-houses in the division of Whitby Strand, in the North Riding of York, it is stated:—

"There are houses of this description. The chief inducement to vagrancy in the town is the relief given by mistaken but benevolent individuals, more particularly by the poorer class. Instances have occurred where the names of such benevolent persons have been found in the possession of vagrants, obtained, no doubt, from their fellow-travellers. In the surrounding country, extending in most parts over a wild and unpopulous district for about twenty-one miles east, south, and west, the houses are so detached from one another that the farmers are, from various causes, afraid of refusing relief. The vagrants generally take up their abode on their journeys to and fro at Staithes or Runswick, ten miles to the west, and at Robin Hood's Bay, six miles to the east, all fishing villages, where there are lodging-houses for their reception."

The magistrates of the division of Allertonshire, North Riding, state:—

"Depredations within this division sometimes are committed by idle persons, and by travelling tinkers, potters, &c., but chiefly by vagrants passing through the same, whose places of abode (if any) are not known."

The magistrates of the division of Pershore, in Worcester, state:—

"By persons residing in it, except during fairs, &c.; vagrants and sturdy beggars (driven from towns) infest the villages and lonely roads without the least restraint, picking up and stealing generally, but occasionally obtaining money or victuals by threats."

One of the magistrates of the upper division of Radlow, in Herefordshire, states:—

"The great inducement is the charitable disposition of the people. Some years ago I employed the constable at my own expense to take a nightly account of the trampers at the lodging-houses, when it was found to exceed 5000 within the year, almost all fresh people; the same people were not counted twice."

The magistrates of the division of Coquetdale Ward, Northumberland, state:—

"Much pasturage in broad lanes induces many families from both sides of the Scottish border to lead a wandering life, and to encamp like Gipsies by the way-sides. They commit many petty trespasses of a vexatious nature, and some few depredations."

"Petty trespasses, by injury to fences for fuel, and to growing crops of corn by horses turned in at night, are constantly committed by parties of vagrants, who encamp like Gipsies, which injuries in the aggregate are serious to the farmer, and the offenders generally escape detection."

The magistrates of the Worthing division of Sussex state:—

"The high road along the south coast of England running through the centre of the division is much used by trampers and others living in covered carts and vans, and these have generally a quantity of horses, brood-mares, asses, and dogs, and take up their quarters in the bye-lanes and borders of the large woods, which are subject to much plunder and depredation. Materials for baskets, clothes, pegs, and broom-handles, are taken in large quantities; and it is believed that these articles are solely manufactured from stolen property. It frequently occurs that a tramper's van, drawn by one horse only, has a suite of four or five horses or brood-mares, foals, asses, &c., and these are generally turned into the fields and woods at night, and taken out before daybreak. These persons appear (as well as their numerous cattle) to subsist entirely on the public, without contributing any aid to the poor's rate or taxes. A general registry and annual license would be beneficial."

§ 32. We shall treat of the causes of vagrancy, and of the gains of the vagrants, in connexion with what we shall have to state with relation to the causes of crimes.

The following confession, taken by Mr. Miles from B——, an experienced travelling vagrant, furnishes a more particular account of their habits than is contained, or could be expected, in the returns to our queries:—

He was bound to the master of a fishing-smack at Harwich: master went to the dogs, and he went upon the world. Got into the Rotterdam trade; brought a Jew home one voyage, who lives in Rosemary-Lane (Rag-Fair): keeps a clothes-shop. The Jew persuaded him to smuggle; pointed out a locker to him, and suggested a false bottom; promised to buy all he would bring. The hint was adopted, and packages of snuff, tobacco, and strings of coral beads were brought over; about fifty packages in a voyage. The Jew kept his word, and gave about 2*s.* 6*d.* a package for tobacco; but he (B——) could not keep his situation. The locker was ultimately detected: he lost his ship, and at last his character, and his clothes, among the worthless classes at the dancing-houses in Wapping, and near the dock-gates. About five or six months ago he took a wife and took to begging; thanks to the Jew.

Beggars tramp about from town to town: there is a low lodging-house for travellers in every village: they tell the people that they are travelling to find work, but pray to God they may never get it. They all go out "to walk" in the mornings, and return at night to their lodging-houses, where they live well, and spend the day's produce in drinking. They are merry fellows, money or no money, and laugh at the people for "flats." They tell each other what houses are "good," and arrange their districts so as not to interfere with each other. Every tramper is accompanied by his fancy girl or his wife. A black fellow, who is well known about Deptford, and goes about the streets singing and dancing, takes his country journeys with two women, and makes plenty of money to pay all their expenses.

The women who travel about with the trampers seldom go out begging; they sometimes disguise themselves as Gipsies, and go fortune-telling. It is very profitable; they watch for the master and mistress to leave the house, and then try to get hold of the servants. They beg money, food, clothes, or anything; and if a silver spoon is in their way they will not "tumble over it;" they will steal it.

The price of their bed is threepence; always two in a bed; sometimes ten or fifteen in a room. "Yokels"(countrymen) were seldom or never seen in the lodging-houses; but he has seen many during the last two months. Does not know why. They manage very badly; cannot get enough to find themselves in food. The regular trampers give them scraps to eat, if they have been unlucky in the day. A low lodging-housekeeper in the Mint has a similar establishment at Romford, containing twenty-four beds, which is superintended by his agent. "Tiger-faced Sal," at Wisbeach, alias Mrs. S——— R———, keeps the worst lodging-house he ever saw. She buys any stolen property; and her house is used by the most desperate characters.

Some classes of beggars and trampers, and all bad-money passers, go to small public-houses, where travelling Jews and hawkers also put up. The low private lodging-house is always frequented, and only used by the following trades or callings. They all have their appropriate cant names. B—— described these classes as follows:—

1st. Men who go about the country almost naked begging clothes or food. They get about 3*s*. a-day. They have good clothes at their lodging-house, and travel in them from town to town, if there are not many houses in the way. Before they enter the town, they take them off, as well as their shoes and stockings, put on their Guernsey jackets, send the bundle and the woman forward to the lodging-house, and commence begging at the first house they come to. Knows a man who was recently clad from head to foot in new clothes at a shop in Billericay, by the son of the rector in a neighbouring village, all of which clothes, including hat, shoes, and stockings, he sold about half an hour afterwards, by auction, in the tap-room of a low public-house, to his companions, and they all got drunk together with the proceeds. These fellows always sell a gift of clothes.

2nd. Men who are ring-droppers. Travelling tinkers make sham gold rings out of old brass buttons. H—— D—— is a noted fellow at this work; his wife and mother go with him and drop the rings. They live in St. Giles's, and travel for a month or two. They sometimes make 20*s*. or 25*s*. a-day.

3rd. Fellows who go round to different houses, stating their master's stock of rags has been burnt, or that a sudden supply is wanted, and that they are sent forward to collect them. The rags are called for, and one fellow marches off with the bundle, leaving one or more talking with the housewife, who is gravely cavilling about the price, and as gravely informed that the master is coming round, and they leave some private mark on the door-post, which they say is the sign to indicate to him the quantity and quality taken, and the amount to pay; so they walk off, and "never tip her anything." The rags are carried to the keeper of a rag-shop, who gives quires of paper in exchange, which they carry round to small villages, and sell to small shopkeepers, or at farm-

houses. All rag-shops "stand fence for anything," and buy any stolen property, or metal, from iron hoops to gold rings.

4th. A set of fellows who go about in decent apparel, leaving small printed handbills at cottages and farm-houses, wherein are set forth the wonderful cures of all sorts of ailments, effected by medicine which they sell. The following day these bills are called for, and the credulous people buy small phials of this nostrum, at various prices, from ten shillings to sixpence, according to the tact of the beggar, and the folly of the party. The mixture is only a decoction of any herb or rubbish that may be at hand. He (B——) was told by one of this class that he had just sold a bottle of "stuff" to a poor woman who lived in a cottage on Warley Common, Essex, and who had been long ailing. She gave ten shillings for it, and it was only salt and water, some tea, and coloured green with nettle tops. These fellows obtain more money than any other class of impostors, sometimes as much as 2*l.* a-week, and they seldom go to London.

5th. Men who travel about the country in shabby-genteel attire, stating that they had been well off formerly, but are reduced by recent misfortune. Some are burnt-out farmers or shopkeepers; some first-class workmen out of work, owing to the bankruptcy of their employers; some captains, who have just lost their ships upon the coast. This story is always used after a heavy gale of wind. Some carry begging-letters, which are written for them, price 1*s.* This is very profitable, if well managed. The "Lady Bountifuls" are great supporters of these fellows.

6th. Fortune-tellers. Many women, when tramping with the men, dress themselves like Gipsies, and contrive to get a tolerable daily booty, at least 3*s.* or 4*s.* a-day.

7th. Trampers who have nothing to sell, but manage to live merely by begging.

8th. Thieves—"prigs"—generally go in couples; walk into a country shop, where there is an old woman and a candle; buy something, drop a sixpence; get the old lady to bring the candle round to look for it, while the other fellow is filling his pockets with whatever he can lay his hands upon.

9th. Match-sellers. 10th. Ballad-singers.

11th. Fellows who boil up fat and a little soap over night, run it out in a cloth, and next morning cut it up like cakes of Windsor soap. It's all bad, but they drive a good trade.

12th. Fellows who go from house to house, stating that they live in some neighbouring town, and ask for "umbrellas to mend." An active fellow in this line will make a clean sweep of all the umbrellas in a village before dinner. These umbrellas are produced in the London market on wet days and dusky evenings.

13th. A Jew seldom thieves, but is worse than a thief; he encourages others to thieve. In every town there is a Jew, either resident or tramping; sure to be a Jew within forty-eight hours in the town, somehow or other. If a robbery is effected, the property is hid till a Jew is found, and a bargain is then made.

Utterers of counterfeit coin live well; they never beg. Tinkers utter a great deal; but the greatest utterers are Gipsies; they make it in

their tents at night ;carry the moulds with them. They can be more secret than any other class of persons; they never sell it; only make it for themselves; stow it in a stocking, keep it warm, and pass it through a raw potatoe before uttering it.

It is very seldom that Gipsy men are in the tent at night; they return home about daybreak. The women and children always sleep in a state of nudity. Gipsies have clans: there is the Cooper family, the Stanleys, the Bucklands, and the Borslam. Old Gipsy B—— wears large thick silver buttons, as big as half-crowns, on his coat. The Gipsies call each other brother and sister; support and help each other; only good to their own people; not generally drunkards; attend public-houses as fiddlers: a Gipsy is never in distress. Farmers think they have the power to bewitch their pigs and poultry. The Gipsy contrives to throw or drop something into the farm-yard, and if a pig or a fowl smells it, it is immediately devoured. In a short time the pig begins to jump about, much to the astonishment and horror of the farming-men; the fowls begin to fly and scream; in short, they are bewitched; and if they do not soon die, they are quickly despatched, much to the relief of the credulous farmer and his men: then the Gipsy comes as if by accident, sees the carcase, begs it, and the farmer gives it in the hopes that the devil may play the same trick with the Gipsy.

B—— knows two begging-letter writers, Lawyer B—— and Captain M——. Lawyer B—— was a lawyer at Ipswich; was divorced from his wife, and lives in a very dejected state. He can write a capital letter, enough to make any of the "quality people" cry. The begging-letter people give him a shilling for a letter. He is now travelling as a match-seller.

C—— M—— is a short man, not five feet high, dark hair: travels all over England, and writes begging-letters, but not so well as L—— B——. He is on the "high fly," and has been a tramping impostor about 23 or 24 years. His constant story is, that he has just lost his ship. B—— said that about the middle of this month (April, 1836) this man obtained 10*s.* 6*d.* from a lady at or near Chelmsford; thinks it was L—— M——. "Chelmsford, Sir, is a very good town. I have always heard a remarkable good character on it from people in the travelling system."

The following statement was made by a felon in Knutsford gaol, with relation to a gang of gipsies:—

I once quarrelled with my stalsman (accomplice), and went and lived with some Gipsies, whom we met at a fair. I was with them three or four months. We camped in different places in Lancashire, Cheshire, and Wales. The women used to go in a morning to the different farm-houses to tell fortunes, and if they saw anything worth fetching we went for it at night. If we got a hen or a goose, a duck or a turkey, we used to roll it up in clay, with the feathers on, and put it down at a fire, letting it roast itself with its own fat; when the clay was baked hard, feathers and clay would come off together; and on cutting it open, the entrails would come out in a lump. The plunder was always planted in the hedge, and a dog chained not far from it. One of them went to the towns grinding scissors and knives; he used to fence (sell) anything we wanted to get shut of.

§ 33. The returns, the examinations of witnesses, and the confessions of the delinquents, show that efficient measures are rarely adopted in any places against the irruptions of the migratory gangs; and that proceedings against individual offenders are generally only taken at the instance of the party injured, and usually at his expense, unless the case be one which excites great public alarm. The proportion of cases where delinquents have pursued such courses for many years with but slight and unimportant interruptions appears to be very considerable.

§ 34. The main vices of habitual depredators—indolence or the pursuit of easy excitement—would impede their removal to other districts until impelled by danger; but this impulse, we have already stated, has been given to the depredators in many of the larger towns by the organization and action of a constabulary force, on the principle of the Metropolitan Police; and criminals of these classes have been driven in such numbers into rural districts, never before infested by them, as to maintain lodging-houses for their reception. We have directed special inquiries as to the numbers and condition of those houses which we find spread over the country in greater numbers than any other descriptions of places adapted to the accommodation of vice or crime.

Houses for the Accommodation of Migratory Depredators and Vagrants.

§ 35. We found only few of the magisterial divisions, from which we obtained information, that were not seriously afflicted by the existence of such receptacles; and it is manifest that in any efficient arrangements for the prevention of crime within the rural districts, the means of suppressing or controlling the common lodging-house must have a prominent place. The trampers' lodging-house is distinct from the beer-shop or the public-house, or any licensed place of public accommodation: it is not only the place of resort of the mendicant, but of the common thief; it is the "flash-house" of the rural district; it is the receiving-house for stolen goods; it is the most extensively-established school for juvenile delinquency, and commonly at the same time the most infamous brothel in the district.

The following accounts exhibit the tenor of the information received from every part of the country respecting these receptacles. The magistrates of the division of Warwick state:—

"That in the borough of Warwick such houses are both numerous and a very general receptacle of petty offenders. Here the common vagrants and trading beggars assemble in great numbers at nightfall, or take up their quarters for very many days, making

the lodging-house the common centre from whence they issue in the morning, traverse their several beats, and return at night. It is not unfrequent for such vagrants to make the immediate neighbourhood their regular walk, even for some weeks, changing their beats, which are carefully arranged among themselves, and only quitting their quarters to avoid detection in some petty pilfering, or because, from becoming too well known, they can no longer successfully impose on the public in the quarter they have so long frequented."

The magistrates of the Chelmsford division state,—

"There are several lodging-houses in the town of Chelmsford, where, in the course of the year, it is supposed upwards of 2000 trampers or vagrants resort. The greater number of these persons shelter themselves from apprehension and punishment under the Vagrant Act, by professing to be match-sellers. This is made a cloak for begging alms, and the pretext for going from house to house and pilfering as opportunity offers. The lodging-houses at Chelmsford are made the centre of a kind of circuit which these people make almost periodically."

"The system of lodging-houses for travellers, otherwise trampers, requires to be altogether revised; at present they are in the practice of lodging all the worst characters unquestioned, and are subject to no other control than an occasional visit of inspection from the parish officers, accompanied by the constables, whose power of interference, if they have a legal right of entry, does not extend to some of the most objectionable points connected with those houses, as they can merely take into custody such persons as they find in commission of some offence. The state in which those houses are found on the occasion of such visit proves how much they require interference. The houses are small, and yet as many as thirty travellers, or even thirty-five, have been found in one house; fifteen have been found sleeping in one room, three or four in a bed, men, women, and children promiscuously; beds have been found occupied in a cellar. It is not necessary to urge the many opportunities of preparing for crime which such a state of things presents, or the actual evils arising from such a mode of harbouring crowds of low and vicious persons."

Whilst giving evidence on the subject of vagrancy, Mr. D. King, of the Mendicity Society's office at Brighton, states,—

"There are numerous lodging-houses, the keepers of which furnish matches, songs, laces, and many other petty articles, which are hawked about as an excuse for vagrancy, thereby avoiding direct begging; and it gives them opportunities of going down areas under pretence of selling their wares, by which they have every chance of pilfering any article that may be inadvertently exposed, and, what is of greater consequence, observing the fastenings and other circumstances that may lead to robbery; for the undersigned has no hesitation in declaring his belief that the

principal robberies effected in Brighton have been concocted in a vagrant lodging-house, and rendered effectual through the agency of the keepers; and signals are not communicated more regularly by the telegraph than intelligence is given and received amongst vagrants. One method is for the keeper to furnish his moving lodgers with cards of his house when the parties leave, which they give to any vagrant they meet coming to Brighton, receiving in return the notification of the house in town to which they are journeying."

In several of the provincial towns the number of these receptacles is enormously large. The authorities of the city of Chester say,—

"We have from 150 to 200 lodging-houses in the borough for vagrants, trampers, and thieves. Many of these have been notorious for thieves of the first class."

§ 36. In adverting to the lodging-houses, delinquents in their confessions have given such particulars as the following. One who had been an habitual depredator, being asked in what way he and his confederates were accustomed to dispose of their stolen property, answered,—

If at the races, to men who have standings, and who stand fence. If in Manchester and Liverpool, we had regular places to take them to; but if in villages, to travellers we met at the lodging-houses.

A vagrant, aged 19, when asked what reason he had for supposing the keepers of those places knew that the property offered for sale was stolen, says,—

Some did, some did not. I had no money once when I was in Chester; I went into the market, got two dishes of butter and some eggs; I then went to a lodging-house, and put the butter down, and asked if I could have lodging: the woman said, "Oh, ay; I reckon thou hast been on the prigging order." I said, what else? She bought the butter of me, and gave me about half price for it.

Another, in reciting the means used to avoid detection, states,—

We used to have change of dresses. If we had been after any game, and got a stake, we went to the lodging-house, and changed our clothes.

A prisoner, when questioned how far the fear of the constables influenced his practices or pursuits, says,—

Not much in country towns, the people in the lodging-houses would put us up to them.

Speaking of the peace-officers, another prisoner says,—

We kept as far out of their reach as ever we could, and went to where there were no regular traps. The lodging-house people in little towns have told us to take care, for so and so (the constable) was a fly one, (aware of their practices,) and told us how he was generally dressed.

One vagrant gave the following particulars of his history in reference to these places

I was bound by the Governor of the Foundling to a pawnbroker as his servant for seven years; I only stayed five years; I ran away for fear of being beaten. I boarded in my master's house. I never was punished. When I left my master I went to a lodging-house, where I met with some travellers; they told me I could get my living easier by tramping than by labour. I was earning an easy livelihood.

The "easy earnings," confirmed him in his career: he says,—

In the lodging-houses in the country I have met with all sorts of characters, burglars, thieves, w—s, pickpockets, beggars, and receivers, and have frequently seen property of all sorts sold for half its value, which I have no doubt was stolen. I have heard thieves in the lodging-houses say small quiet towns were the best for them to lodge in. The cadgers tell one another which are the best houses to go to. I have been in a lodging-house when there were sixty-six people, men and women, all trampers like myself. Men and women who have never seen each other before mix indiscriminately in the bed-rooms.

Another commenced his career with an acquaintance formed in the same way:—

I got acquainted with a chap and went on tramp with a frame and figures (Punch and Judy). When we had not money one way we got it another. I soon found out I could sell anything in the lodging-houses, or, if I could not there, the lodging-house keeper would find a fence (receiver) for me.

One boy, an orphan, who is a sheep-stealer, states—

I was enticed from my work by some lads, and we fetched a money-drawer out of a shop. When I was not working I used to contrive to get the amount of my wages on a Saturday night and took it home to deceive them. I used to daub myself with cotton waste to make my mother think I had been to my work. I got acquainted with three men in a lodging-house; they told me I should always have plenty of money and nothing to do. I went on tramp with them. When lads run away from home they go to a lodging-house, and if they (the parents) look for them the lodging-house keeper hides them. If a lad once gets into one of them it's all up with him, for he sees them drinking and card-playing, and hears them talking of the places they have been in. Young girls are enticed to the houses; many hundred lads would not go if it was not for them. I have seen nine beds in a room, and a lad and a wench in each. I was once in a lodging-house at Warwick, where there were 130 men, women, and children there, all loose characters.

The corruption of servants is sometimes ascribed to these receptacles. One felon states in his confession, that—

Those who engage servants should be very particular with their characters, for often when a girl leaves her place, she goes to a lodging-house, and there gets acquainted with thieves. She pays a shilling at the Register-Office, and gets a place, and is the tool of some person who has got connected with her; and very often these women go on the "servants' lurk," which is taking a place and only waiting until they have an opportunity of committing a robbery, or of giving information to those who will.

§ 37. They give forcible descriptions of the riot in which they indulged in such receptacles; but they frequently treat them with disgust, and earnestly describe them as places which ought to be suppressed, as being the most fruitful sources of crime within rural districts. One states,—

Some of the lodging-houses have cards, dominoes, dice, and bagatelle-boards. I have not played myself, but I have often watched others play. Some lodging-houses are never visited by constables.

The following are the separate answers given by different delinquents to the same interrogatory, namely, What, in your opinion, are the most important obstructions which could be placed in the way of depredations?—To this it is answered by one,—

I have known as many as forty or fifty regular prostitutes and thieves lying hicklety-picklety in one lodging-house, many of them from different towns. They tell one another all they know. Bad wenches enticing young lads from home to these houses make more thieves than aught else.

The second prisoner, examined separately, in the same gaol, answers—

Lodging-houses are a very great evil. I have known as many as ten men and ten women lying indiscriminately on the floor. A lad who has overrun his parents is sure of a home there, where he is picked up by some known prig (thief); and, after being once there, there is little chance of reclaiming him. He meets with persons from every county; and, if he has a mind to travel, he can go anywhere with them; besides which, the lodging-house people try to get young girls from the factories to sleep there, which is a sure way of making their house.

Another says,—

I have often heard thieves talk in the lodging-house of what they have done, and make up partnerships. Any lodging-house keeper can readily find a fence (a receiver of stolen goods).

We find that these receptacles are, in general, only visited or examined on the occasion of the pursuit of any particular offender; that they are nearly invariably unlicensed, and that the legal powers in respect to them are inadequate for the protection of the public.

§ 38. We have received offers of extensive evidence of the demoralization carried into every part of the country by the streams of vagrants and mendicants. It has been stated in evidence that by imposture, begging, and depredation, the various classes who frequent the unlicensed lodging-houses obtain more money with less labour than is obtainable by means of honest industry by a large proportion of labourers. Instances have been stated to us where travelling mechanics have been seduced from their occupations into the career of mendicancy from the temptations which it offers. Labourers have gone to the vagrants' lodging-houses to purchase, for their own use, the meat and refuse food which they could ob-

tain there at a cheap rate. The contrast of the advantages enjoyed by the dishonest, under comparative impunity against the industrious, is depicted by a witness who relates an instance which came to his knowledge, where an agricultural labourer sitting by the road-side eating dry bread, with a little cheese, was observed by a vagrant, who asked him if he had no meat to eat with his bread; being answered in the negative, the beggar pitied him, and offered to him some of the meat which he had obtained by begging at the doors of the surrounding houses of the gentry, from which doors the labourer said that he or his children, who were known to be industrious, would have been spurned if they attempted to beg. It appears that the lodging-houses are now opened for the reception of vagrants, thieves, or other descriptions of persons who are found in the most remote country towns. The following is the description of the characters by which they are infested, given to us by an informant, Mr. Thomas Yates, a solicitor of Welchpool, who made some inquiries for us in Wales. After describing the increase of thefts and robberies in the town and neighbourhood of Llanfyllin, he states,—

This town, though small, is much infested with prostitutes. Formerly the bold unblushing prostitute was unknown here; but now there are, at least, seven or eight who publicly prowl the streets. One of them has been following her trade in Liverpool, and has recently introduced at Llanfyllin the system of inveigling and then robbing the men, which (as is supposed) is now generally adopted.

There are three lodging-houses for tramps, one of which is the most notorious house in the parish. The constables are frequently obliged to enter it, especially about fair times, in order to quell the disturbances and excesses created by trampers. This disorderly house is kept by a woman known by the name of "Old Peggy." She never lets a tramp go to bed without money, or money's-worth, and the broken victuals a tramp brings home is sold by her to poor persons who keep dogs, such as rat-catchers, &c. One man told Mr. D——, a druggist in the town, that for twopence "Old Peggy" would give him scraps enough to keep his dog for a week or more. This druggist stated that "Old Peggy" has often come to him, saying, "God bless you, Doctor, sell me a hap'orth o' tar." When first applied to, he asked, "What do you want with tar?" The reply was, "Why, to make *a land sailor*. I want a hap'orth just to daub a chap's canvass trousers with, and that's how I makes a land sailor, Doctor."

The tramps have lately increased beyond all calculation. About a fortnight ago two fellows, half naked, went to a farm-house about a mile and a half from the town (the wife of the farmer only was at home) and pleaded starvation. The good woman offered food, when they threatened her, and said, "D—n your grub, we want money, and must have it." The woman had none, or she would, in her alarm, have given it to them, being terrified with their threatening language. The fellows at last consented to take food, of which they put a large allowance into their bags and departed, no doubt to sell it to their friend "Old Peggy."

The constables of this town never interfere with the tramps, nor ever enter their lodging-houses unless the neighbours call upon them to enter in order to quell a riot, and as there is no place where these tramps are less annoyed, it is no wonder that they swarm in this district in proportion as others are more severe. The trick of going half naked is new in this part of the mountains, although not so in other parts of the principality. As in other places, they travel with their women, who carry their warm clothing in a bundle.

There are seven beer-shops in the town, besides nine public-houses. The serjeant-at-mace informed me that these beer-shops, as well as the public-houses, keep open all night, or as long as they have any customers whom they choose to serve with drink, and that neither he nor any of the other constables ever interfere with them, unless specially called upon, "as they do not like to inform against a neighbour."

In reference to the drunken habits of this place, a gentleman, whom business required to stop there some days, observed there was not a night, from dusk till daylight, but he heard constant rows and fighting in the street. When he was there a desperate assault took place at the inn door, when one man had his eye nearly kicked out, and the other had his collar-bone much injured.

§ 39. The mischiefs of these migratory streams of depredators and vagrants, and other bad characters, is not confined to the crimes which they commit, though those must be extremely extensive, to furnish such numerous hordes with the means of subsistence. These characters, experienced in the crimes and vices of the criminal associations of the larger towns from whence they sally forth, form such large proportions of the population of the gaols in the rural districts, as are stated in the return of prisoners in Knutsford gaol. The other portion of the inmates of the gaol, chiefly agricultural labourers, natives of the country, confined for misdemeanours, may in such receptacles be considered pupils in these normal schools of crime, to learn and carry back to the rural villages the knowledge and the incitement to felonious practices.

State of the Rural Districts in respect of Crime committed by Resident Delinquents.

§ 40. The statements we have cited will perhaps suffice to show the nature of the information we have received with respect to the migratory classes of delinquents, and the description of crimes committed by them. We now beg leave to submit the tenor of the information we have received respecting the description of crimes committed by residents in provincial districts, both in towns and in the country.

The more numerous descriptions of depredations in the rural districts are of depredations on produce. Thus, the return from the parish of Clist St. Lawrence, near St. Thomas's, Devon, states:—

The crimes committed by residents are those of petty robberies, such as stealing wood, which goes on here to a great extent, even to the lopping of trees, cutting up hurdles, gates, &c. Also the nocturnal work of stealing turnips, poultry, and portions of ricks, all of which it may be said are overlooked, principally through *fear of revenge* from the criminal parties, and partly through the trouble of catching the depredators.

From Northborne, near Deal, it is stated—

The principal felonies are those of sheep-stealing, which is very prevalent. The animal is slaughtered in the night; the skin, head, and entrails are hidden or left in some sequestered spot; and scarcely a week passes, but a theft of this kind occurs: the fields being open, there is seldom a detection.

Other minor depredations are very frequent, such as poultry stolen; also, of late, the bee-hives, with their honey: fruit, when in season; the produce of the garden and fields of every description, including the destruction of fences for firewood, iron-work from agricultural implements, the wheel from a barrow, or anything tangible not under lock and key.

From Holbeach it is stated—

There have been many felonies and misdemeanors committed. Sheep-stealing and horse-stealing are very prevalent:—twenty sheep and six horses have been stolen out of the parish of Holbeach alone. There have been twelve felonies and misdemeanors in the parish of Sutton, and the same number in the hamlet of Whaplade, Drove. In the other parishes the numbers are not known. Fowl-stealing is also prevalent.

In the return from Little Laver Parish, Essex, it is stated—

The number of petty thefts is very great; no kind of portable property is safe unless well secured. Fowls, bees, wood, &c. The inconvenience from sheep-stealers is very great:—no farmer dare fold his sheep.

Since 1835, more than twenty sheep have been separately slaughtered within two miles of my house, without detection.

A return from the Sleaford Union (Lincoln) states that within the year—

I should think 100 felonies, at the least, and numerous misdemeanors, have been committed.

Nineteen cases of felonies have been prosecuted at the Assizes and Sessions of cases arising within the Union; and many cases of assaults and misdemeanors heard before the magistrates in Petty Sessions.

A return from Hinckley, in Bucks, in answer to the question as to the number of felonies which have been committed during the year, states—

It is utterly impossible to answer this question precisely; but, from the information I have collected, I believe about eighty felonies:—the misdemeanors are very many indeed. Perhaps a fiftieth part only are reported for want of a more efficient police.

From the parish of Lychett Minster, near Poole, it is stated—

No felonies within the parish, but many cases of stealing bees and honey, potatoes, turnips, wood, &c.; and repeated riots at the beer-houses and meeting-houses.

From the parish of Corely, near Cleobury Mortimer, it is stated—

Various misdemeanors are committed in this parish during the year, and felonies in sheep-stealing. The number of sheep missed in this parish this year amounts to about forty; a few may be attributed to casualties, but by far the greater number, it is to be feared, were stolen.

§ 41. The depredations in some rural districts are carried on to such an extent as even to threaten to put a stop to useful sorts of cultivation. This state of things is described in a communication from the guardian of the parish of Braughing, in the Bishop's Stortford Union (Essex).

No cattle have been maimed; but many sheep have been stolen both in this parish and in the surrounding neighbourhood. It is not an uncommon practice to lay open sheep-folds, and turn the flocks loose at night; to pull up and destroy young trees; to lift gates off the hinges, carry them away, throw them into ditches, or, what is still more dangerous to the public, lay them flat upon the roads.

During the whole of last winter scarcely a week passed without sheep, pigs, poultry, corn, or straw, being stolen, generally with impunity. Although two men were transported for stealing 40*l.* in the house of a publican, two others for sheep-stealing, and one other for breaking into a hen-roost, where he was taken early in the season, these punishments caused no interruption of the practice. Scarcely a hen-roost in the parish escaped robbery; some were broken into very early after dark, and the poultry left killed, if not all taken away. Ducks, fowls, and turkeys were several times stolen or killed in the day-time.

The facility of committing depredations with impunity is, in great measure, caused by the general reluctance of all labourers to give evidence against each other, or any member of their families. The temptation to steal wood and injure fences is strengthened by the usual high price of coals in this part of England. The general practice of injuring woods and fences operates in various ways to prevent such an abundant growth of wood for fuel as would render it cheaper than coal. An instance occurred last winter of a wood being stocked up solely in consequence of continued depredations having rendered it totally unprofitable to the owner; and other proprietors will, it is expected, follow the same course unless effectual protection be given to such property. The destruction of hedges materially interferes with the proper cultivation of the land, particularly in this neighbourhood, where the large proportion of heavy soil renders under-draining indispensable. It is quite impossible to get the proper growth of bushes to afford wood for the purpose while the present destruction of all fences remains unchecked; this impediment to winter labour is highly disadvantageous to both farmer and labourer.

It would, I consider, be desirable not only that the perpetration of actual crime should be detected, but that a general vigilance should be exercised to prevent it, particularly with respect to trespassers within any species of enclosure. Trespass generally begins with venial offences

of wood-stealing, injuring and breaking fences, turnip and potato theft, which lead to poaching, sheep-stealing, and other more serious crimes. It should not be forgotten that the owners and occupiers of lands surrounded by any species of wood-fence, whether live or dead, are subjected to a heavy expense in making them, which they incur with a view to protecting and cultivating their property, where they cannot always be present, more especially farmers who have to attend distant fairs, markets, &c. &c.; also that the labourer enjoys a full and fair share of the advantages of fences by the quantity of labour created by them in the winter when employment is most scarce; besides the tendency of the good growth of wood of every species to keep down the price of fuel, an article most essential to his welfare, health, and comfort.

§ 42. We have received evidence that much more extensive depredation is committed on agricultural produce, especially in the neighbourhood of towns, than is known or indeed supposed even by the owners themselves. This state of things arises from the difficulty which frequently arises of detecting the diminutions from large bulks, and from the fact that a diminution, even where it is perceptible, may be attributed to various causes besides that of depredation. Hence, if the pecuniary value of the matters stolen formed an adequate criterion of the value of a preventive agency, it would be scarcely possible to ascertain it with any pretence to accuracy. The best approach we can make to the knowledge of the amount of pecuniary loss in the rural districts is by judging of the cost of the maintenance of those who have no known means of honest livelihood, and who are known to be habitual depredators.

The following portions of the examination of Mr. Richard Gregory, a farmer, who farms between 400 and 500 acres of land in the parish of East and West Ham, in the county of Essex, is descriptive of the depredations to which farmers in the neighbourhoods of the larger towns are subjected :—

Are you acquainted with the depredations to which farmers and holders of agricultural property are exposed, and their want of appropriate protection?—I am; the person I succeeded had been very much plundered by his servants. The men engaged upon the farm premises would get up between twelve and four o'clock in the morning, while the farmer was a-bed, and help themselves to every kind of produce. Most of the plunder was regularly disposed of by the carters at the different watering-houses on their way to the London markets. There, almost as a matter of course, they sold their horses' corn, and much that should have been part and parcel of the produce they delivered to the different salesmen. The general plan was for them to put the things into cellars, or boxes left open on purpose at these houses, and as they returned they were paid for what they had left by the ostlers at the side of the road.

That was the state of things when you took the farm; do you know whether such practices prevail at the present time?—To a great extent. Upon several occasions in going backwards and forwards, as I do daily, I have detected farmers' men plundering their masters in these ways,

and have had them taken into custody and prosecuted. This loss, too, by robbery, is not the worst of it. When they return from market and stop to receive the money, they stop to drink too, and their masters' horses stand of course exposed to the weather, and exhausted, with only a drink of water instead of their proper food, which very frequently causes their death. Farmers consider, perhaps, that it is from their horses getting cold on the way, but never think of any further causes. When I entered on the farm I said to my men, "Never take a bit of corn to London for the horses; and if I catch any of you stopping at the public-houses, I will discharge you." I give my carters, perhaps, better wages than other people, and I hardly ever lose my horses. They have no victuals out of stable. "I do not mind," I said to the men, "giving you better wages, but you shall not stop by the road-side to kill my horses." The first week I caught one stopping, and I discharged him. My neighbours all said it was impossible to prevent the practice; but, by perseverance, I succeeded, and my men never think of stopping; as I tell them, if they do not rob me they rob their wives and families; so one way or another they must be thieves if they use these road-side public-houses! Why the ostlers of these houses give from 5*s.* and 10*s.* up even to 20*s.* or 30*s.* a-week for their places.

Have you ascertained that fact?—(This fact was corroborated by two other witnesses.)—Yes; and it was ascertained also at the Old Bailey. When I had suspicion of any one I have gone to these road-side cupboards for myself. Once I saw a man put a truss of hay into a place with "Dry skittle ground" written over. I got a policeman, took him with me to the public-house, and there we found in the same spot 15 or 20 of the different farm baits, two trusses of hay, a truss of straw, and some potatoes and mangel wurzel. I had the ostler taken to the Lambeth-street police office to answer for the contents of his cupboard, the "dry skittle ground." On another occasion I saw a fellow take a truss of hay and strike it down the cellar of another house. The man at another house has a yard where the carts all draw up. As a proof of the evil of the road-side public-houses, I may mention that many waggons used to stop at the King's Arms at B——. Complaint was made of the obstruction to the trustees of the road, of whom I am one. The parties were summoned and convicted, and the owner of the public-house paid their fines. This is proof that he was interested in the depredations on the unfortunate owners of the waggons, otherwise he could never have afforded it. I know many other instances. For other sorts of depredations I am obliged to keep watchmen whenever I have anything valuable in the ground. It is not so bad now as it was, because of the horse-patrol. Still I must have watchmen, sometimes two, sometimes three.

And it pays you to keep these watchmen?—Certainly; for 5*l.*, or 6*l.* or 10*l.*'s worth of produce might be carried off in four or five bags.

It is stated to us that from the loose mode in which farmers keep their accounts they are seldom able to ascertain the amount of their losses in this way?—Yes. There is another mode of plunder I may call your attention to by a description of the person called a jobber. He is a man who keeps his own one-horse car. He has been an old carter, may be one of your own servants, and is associated with all your work people. He comes to the farmer, if possible to one that likes shooting

and hunting, and sleeping and such like, more than his business, and offers more for his produce at the barn-door than he can get for it when he takes it himself to any market. But the jobber gives this and beer to the barn man besides; and his truss of straw instead of 36 lbs., weighs 50 lbs. A farmer told me the other day of a great bargain he had made; he got from such a one 28*s.* a ton for his mangel wurzel: "Why the fellow sells it again himself at 25*s.*; there must be something wrong somewhere." The farmer took the hint and investigated the case. A day or two after the man came again for half a ton. He had it as usual, but he was followed, and, on examination, we found the half ton to be 22 hundred instead of 10! These are the ways that farmers get ruined, and do not know how the devil it comes about!

Have you known instances of farmers being ruined whose ruin you would attribute to the prevalence of these practices?—The young man I succeeded was one, and the same has been the case with many of the first farmers in the county of Essex.

Besides these depredations you have described, have you experienced much annoyance from vagrants and such casual plunderers?—I have one field adjoining a foot-path, from which I lost half an acre of potatoes in the course of a week by children. They scratched them up with their hands, their parents standing a little way off ready to carry them home. I had a very valuable piece of rare cabbage plants, about 50 acres; an old vagrant who had got his living for 30 years by plundering farmers could not forego so tempting an opportunity. I had him apprehended and taken to Lambeth-street office. The magistrates gave him one month's imprisonment, and, on inquiry of the jailer, I learned that he had been there no less than 26 times before. He had not been out of jail two days before I had him in my fields again stealing my cabbage plants, which he sold to my neighbours before my face at 18*d.* a hundred. He was a second time detected and convicted. He had not been out of prison a week before we caught him again. Seeing that punishment had no effect, I this time suggested to the magistrates to try a lenient course. The old man said, "If you give me the book there I will swear never to rob you any more as long as I live." Well, he was forgiven and set free, and the very next morning or the morning after I found him at his old tricks the same as ever. This time I tried another plan. As the law administered by others was of no avail, I took the law into my own hands. I inflicted corporal punishment, and it had the desired effect. I took a stick and thrashed him most soundly, and he has never troubled my fields since. My neighbours are not so fortunate.

Are you molested by gipsy vagrants?—I am not: because as soon as any of them make their appearance I get a horse-patrol to go and tell them if they do not depart I will take them at once to Lambeth-street police-office. That is always enough.

Have you had losses from the plundering of hedges and fences?—Yes, very frequently. I have some hinge gates with wings, but cannot use them; they are pulled down as soon as put up. Losses this way in hedges and gates are very great indeed.

If we have understood you, then, by your three watchmen, and your constant enforcement of the law, you keep off a considerable amount of plunder?—Yes.

Are your neighbours who do not use the same means plundered as you expect you would be if you did not use them?—Yes, and considerably more; for being many of them timid people they encourage depredators. If they catch a thief, they do not punish him, being afraid of having their houses set fire to, or their cattle destroyed. The other night a man near me, named Farrel, had been threshing his wheat over night, and in the morning all was gone. The next farmer had one of his horses stabbed because he had accused a man of stealing a pig he had lost. A Mr. Chope had a calf's throat cut. I persuaded him to prosecute, and the court at the Old Bailey gave the offender 15 years' transportation. It was quite a deliverance for us all. Another farmer had just before had his farm-yard set fire to by the same fellow. Everybody had been afraid of him, and afraid to punish him.

In all these cases of depredations upon farmers, the plunder must be considerable to bring anything worth while to the parties, as the produce must be sold at so much less than its real value?—It is great; and the great source of the evil is the beer-shop. You are sure to find the robberies concocted at beer-shops. When I took my farm there was no beer-shop; one was set up, and the difference seen in the working people before and after was such as no one would conceive. I had hardly lost anything before that by my own people's dishonesty, and now I was obliged to watch them every way. They would take my fowls, and go there and have them cooked, right opposite my farm-yard. They would cut the hearts out of the cabbages for the same purpose. I once went with a patrol and took one half boiling out of the pot. I took the man and the cabbage to Lambeth-street, and then it was found out that he and his brother had been plundering in a larger way; and they were both transported.

§ 43. We may here observe that the labouring classes in the rural districts often suffer most severely by depredations, and that on them they operate most mischievously, by diminishing the inducements to the care of gardens and the acquisition of property; which it is highly desirable to promote. We have had instances, in the vicinity of towns, where these depredations on gardens are so regular that the proprietors during several successive years have been deprived of the crops, which have been gathered by the thieves. In one town (Edmonton) it was the practice of the thieves to take orders from purchasers for fruit and other produce whilst it was growing.

The following illustrations of the state of insecurity of labouring men's property are given by the Rev. Thomas Spencer, of Hinton, near Bath.

Are the labouring classes subject to such depredation to any extent in your vicinity, in your parish, or in the adjacent parishes, as the farmers are?—I should say that in my parish the greater number of complaints made latterly have been from labouring men. I should state that we have the allotment system; that there are sixty allotment tenants, which forms the large bulk of the labouring population; that they were going on with very great delight and prosperity; that every symptom connected with the people was promising; that we have, for instance, an

adult school, and men that worked at their allotments in the evening would go afterwards to get themselves taught to read and write at night —a dozen perhaps at a time; a thing never known before. But all on a sudden I have found them discouraged. One person had a sack of wheat taken out of his little stack: another person had his potato-pit opened, and a quantity of potatoes taken from thence; and another person had another kind of property stolen; so that within one single week I heard that five or six of the allotment tenants had had their property stolen. I saw one of the tenants, who, having lost several sacks of potatoes, was actually putting a great number of sacks of potatoes into an inner room of his cottage, which he would have wished to have used, as he kept a little shop, not being able to trust them out in the potato-pit. He lost, I should think, not less than thirty sacks. He is a man who had just a short time before been boasting. When I said, "Do you find any good from your land?" he said, "I find this good: I have got potatoes enough to last me for the year; wheat enough to make bread for my family for the year; and meat enough to last me all the year;" having five pigs in his sty. I have another case of a man that interested me very much, not an allotment tenant, but a labourer, rather of a superior order to the labourers in general, inasmuch as the land he generally works in belongs to an aunt of his; he is distantly connected with a farmer, therefore I consider him as a little above the ordinary labourer: but he is a man who does a week's work for any one. I went to him at work in his field, and talked to him about his produce. He told me that it was with the greatest difficulty he could at certain times of the year keep his property from being stolen; that in the summer-time, about the time when he had got his onions and other vegetables in different parts of his garden, and late in the autumn when he had got his potatoes in his pits, he was obliged to watch, and to have generally a couple of dogs with him to watch in the field to prevent persons going along the road from taking his goods away. Sometimes he in one night lost as much as would be a month's earnings. I told him I was exceedingly sorry to hear it, for he is a worthy labouring man. It was a distressing thing for him to lose in that way. I said, "Is it not very hard for you, having to go to work the next day, to sit up at night?" He said it was hard. He has sat up for weeks together till it was light, and then, after a little sleep, he has had to get up and do his day's work. I said, "It would be a very good thing for you if there was some kind of protection in the country." "Yes," he said, "there is no protection for us." He expressed himself with great feeling: for a labouring man, he seems to have thought, and to have felt, that it was a hard case. I asked him, too, if he thought it was persons living in the parish? He said he thought not. Persons going along the road, passing by, have only just to get over the hedge, and pick the onions—two shillings' worth of onions are very soon got; they help themselves and go on. He thought they were persons coming from a distance, and going to a distance—that is to say, parishes in the neighbourhood.

Is it to be inferred that these depredations fall with more frequency and greater severity upon the labouring classes than upon the farmer? —They are more felt by the labourer, and they are more dangerous, because with us, if that were to continue long, our allotment system would be knocked upon the head.

And any accumulation of property by them frustrated?—All our hopes would be blighted. Now, if a farmer is protecting his property, and he is known to carry a gun, and to have savage dogs with him, as frequently they have, the thieves would be deterred. The farmer above-mentioned said he would try to be a match for them, for his gun was loaded. But the allotment system, making a great number of stacks and potato-pits, and the labouring men being obliged to go to bed, which to perform their work on the morrow they must do, it is easy for thieves to rob them.

Very striking evidence has been given to us of the state of insecurity of the property of labouring men in the suburbs of Manchester and other manufacturing towns.

§ 44. We shall have occasion to show that, besides the migratory depredators who issue from the larger towns, and are unconnected with any particular district, some districts are infested by gangs of depredators who are resident within them. We may adduce the following examples. The guardian of the parish of Sandon, in the Buntingford Union, Herts, states:—

More barns have been broken into, a greater number of hogs and sheep have been stolen within these few years than in former years. In an adjoining parish there has been a firm of thieves existing for many years past, who constantly traverse our villages in one-horse carts under the pretence of selling to the poor butcher's meat or coals, but who are in the practice of receiving information how to enter barns, and, by corrupting our labourers, have succeeded in getting their aid to convey away, when prepared for market, corn to a considerable amount, which, during the night, they carry to the distance of many miles to other receivers. This nuisance can only be put down by skilled police-officers, and would be the greatest protection to property.

The magistrates of the division of Wallington, in Surrey, state:—

By far the most serious and the most frequent of such crimes is that of highway robbery, which of late years has been carried on in the county to an alarming extent; several convictions have taken place, though not in this division. The parties are generally suspected to reside in the neighbourhood of Sutton, though they have been broken up and dispersed. One of the gang suffered the extreme penalty of the law, and several were transported.

The evidence which we shall have subsequent occasion to cite comprehend other incidental illustrations of the state of many rural districts in respect to the security of property.

The outline drawn in the evidence cited would be an extremely imperfect one of the state of many districts, unless we adverted to the degree of security of the person, and the freedom there enjoyed in the exercise of the legal rights, in so far as they are sought to be secured by penal sanctions and by the agency of the constabulary.

§ 45. We find from the evidence that crimes of violence,

whether originating in rapacity or resorted to for the gratification of any vindictive or gross passion, other than for money, are, generally, in a course of gradual diminution. This diminution is the more satisfactory, inasmuch as it is the result of a gradual amelioration of the morals of the people, obtained independently of any special agency for the purpose. It is true, however, that whilst crimes of violence committed for the sake of obtaining property have diminished, crimes which are characterised by fraud have increased, perhaps, in a greater proportion. But this substitution may itself be deemed an improvement. Crimes committed by means of violence are characteristic of a barbarous age and of a people subject to the domination of blind passion. Crimes committed by means of fraud are characteristic of a state less barbarous; they are divested of animosity on the part of the offender, of physical injury and painful alarm to the party defrauded, and yield more readily to available remedies, in the shape of obstacles which may be interposed to render the perpetration of the offence more difficult, dangerous, and unprofitable. In the towns, burglaries and depredations in the streets are now rarely accompanied by violence. The fact of any act of violence having been inflicted in any burglary or depredation is in general deemed by the police presumptive evidence that the offence was not committed by an old or trained town thief. The majority of the crimes attended with violence are now committed in the rural districts, although the population and property in towns have increased in a far more rapid proportion.

§ 46. An aversion to murder or the shedding of blood has always characterised the English people, and now, as formerly, brings highly valuable aid to the law, which, if it were equally well supported in dealing with other classes of crime, would require a comparatively small agency for its enforcement. Nevertheless, instances of murder and other sorts of manslaughter committed in the rural districts, and of the escape of the offenders under circumstances which must impair the consciousness of personal security, and thorough evidence of the remaining barbarism of the district, as well as of the entire inefficiency of the constabulary for the repression of such acts, appear to occur in greater frequency than is generally supposed. Mr. Thomas Yates, of Welchpool, gives the following illustration of the perversion of the popular sentiments in respect to the shedding of blood:—

About ten months ago a man was killed about midnight, or between that time and an early hour on Sunday morning, as was supposed by fighting at Llanllwchairn. An inquest was held on the body, which exhibited marks of having received great violence; there was a severe contusion under the ear, the private parts were black and swollen as

from recent kicks or bruises, besides other bruises in various parts of the body. Witnesses swore, however, that no fighting had taken place, but that the deceased fell about in drunken weakness, and the jury gave the following verdict, viz.—"That the deceased Edward Whittaker, on the 7th day of August 1836, at, &c., by excessive drinking of ardent spirits, and bodily injury, supposed to be received from falling, and not from any hurt, injury, or violence, done or committed to the said Edward Whittaker, to the knowledge of the said jurors, did die."

It does not appear that the township constables interfered at all on this occasion, and the parties were not within the district of the paid officer.

The township constables seldom or never act without being called upon, and there have been instances in Newtown where they have refused to assist the paid officer in securing offenders, even when he was in danger of being overpowered by the mob attempting a rescue.

The same gentleman states the following case as showing a relaxation of the popular feeling as well as the inefficiency of the police.

A woman (the wife of a respectable shopkeeper) had poisoned her husband, by administering small doses of tartarised antimony during the course of several successive weeks or months.

Finding she had done sufficient to effect her purpose, she deliberately left the town with her shopman, who was supposed to be a *particeps criminis*. The same evening the man died; and a coroner's inquest having been held upon the body, returned a verdict of *wilful murder* against the *wife* and the *shopman*. The friends of the deceased refused to send any one in pursuit of the criminals; and it was not until several days had elapsed that a constable was sent after them; the magistrates and others, having first been obliged to enter into a subscription to defray the expenses of the constable's journey. The pursuit was too late, and the parties have never been heard of since.

This happened in the summer of 1835. The name of the victim was Thomas Evans, a native of Berriew, Montgomeryshire, who married his wife in Bath, where he for some years carried on the business of a respectable mercer, but removed to Welchpool in 1835, and there met his death in the manner above described.

The wife was an educated woman, and respectably connected: and, as she spoke the French language, it was supposed she and her paramour escaped to the continent.

The shopman, Edward Rogers, was a native of Montgomeryshire, and the son of a farmer residing near Welchpool.

The unfortunate man died on Friday, on which day the culprits departed. The inquest was held on the Monday following; but it was not until Tuesday morning that a constable was sent in pursuit.

The Return from the parish of Newland, in the Monmouth Union, states that—

In the case of a man who committed murder at midnight, the constable of the tything of Colgive refused to get up from his bed, though repeatedly and urgently called upon. In consequence the murderer got clear off.

Richard Shute, Esq., a magistrate of the county of Devon, in the course of his evidence before the County Rate Commission, gives an instance in illustration of the fact that, in rural districts and small towns, the local connexions and associations of the people are so strong, that it is often difficult to obtain through them an impartial administration of justice.

About three years ago a very worthless fellow went into a beer-house in this parish, but not tipsy. Whether he had an antipathy to the party or not I never could fully ascertain; but he told a man who was at work in the room he would shoot him, took from his pocket a poacher's gun in two parts, put it together, placed a cap on the gun, and took a deliberate aim at the man; it however missed fire; he then took out another cap and put it on the gun, and fired again, and shot him dead. The jury were summoned from the neighbourhood, and in defiance of these facts returned a verdict of accidental death. The distance (speaking of the summoning of a proposed jury for summary convictions) must not be small; free and unbiassed justice could not be obtained in small districts, particularly in agricultural districts, where the people hang more together than in the manufacturing.—*County Rate Commissioners' 2d Report*, II., 449.

The following is part of the examination of a gentleman conversant with the state of the rural administration in the counties of Cumberland and Westmoreland.

The instances you have alluded to relate to cases of a breach of the peace by common disturbers, and to acts of personal violence; but in cases of aggressions on property or serious aggressions on the person, connected with attempts to obtain property, what is the state of the constabulary in those two counties?—So far as cases of felony are concerned, the defect is just as obvious in the construction of the constabulary force as in the cases I have adverted to, and the more so, because, independently of the want of activity, and want of habit and intelligence, generally speaking, they have some reason or inclination that would induce them not to stir in the case of a neighbour, until absolutely compelled to do so.

Can you give examples of that?—I can mention a case of a murder which was lately committed at Orton. In the case of that murder I was not within 30 miles of the place, yet at the same time, in a country so thinly populated, that was considered immediate proximity. This murder was committed in a village, and facts were stated, as I am informed (and the evidence adduced corroborates it; but I was not at the examination), which pointed with moral, if not with legal, certainty to one individual. This was a murder for money. No examination upon oath was taken until some time afterwards. It is generally stated that, in case of any violent breach of the peace such as that, they resort to some better established police for assistance; but in this instance a very considerable time elapsed before that was done: then they only called in a Kendal policemen. His inquiries continued for a month, and ended in nothing substantial being elicited. Some further information was afterwards obtained, which led to the re-apprehension of the party originally charged, and then upon this additional evidence they

were committed. The following is a memorandum which I made at the time:—"In the case of the murder at Orton in November, 1837, no witnesses were examined on oath until a fortnight after the murder. A month after they talked of sending for a police-officer from Liverpool or Manchester. Two men had been apprehended, and repeatedly remanded, but the chain of circumstantial evidence could never be connected, even sufficiently to justify a committal. At length further evidence was obtained from persons resident on the spot." That is rather important, because an active police would have ascertained in the first instance who might have been examined close to the scene of action, who might have been examined in the first instance; and upon the committal of one of the persons accused (Wills) he was allowed, just before he was lodged in the County Gaol, to have an interview with his father, who pretended to desire to supply him with some tobacco. At this interview, which took place in the presence of two parish constables, the prisoner said to his father, "Under a sod (in such a place, naming it minutely) you will find a hammer and two gimlets." This beyond a doubt was a part of the property of which the murdered man had been robbed, and the finding of which, under the circumstances, would have been conclusive against the prisoner; and yet the constables suffered the father to go away, which he did precipitately, and never noticed what had occurred until the next day, when some other person suggested that the place should be searched, "as it was only a few miles off." This was done, and the place was found to have been recently disturbed, but the plunder of course gone. From other information, and from my own observation, I have learned, that in case of beer-shop disturbances, or general riot, this functionary says, "Nay, I mun gang out at way, for I'm constable." I can also mention a case where my own groom went away one night, after leaving me at a gentleman's house, to what is called a "merry night," and stayed out that night and the following day, dancing and drinking; yet no notice is taken by the authorities of the notoriety of these scenes, or of the public-houses and beer-shops where they occur.

Three cases of unpunished murder were presented to the notice of one of the Commissioners upon his fortuitous and comparatively narrow path of investigation during one fortnight, in the counties of Lancaster and Cheshire. In one of these cases the murderer escaped, it is supposed, in consequence of the guilty neglect of the constable, who was his relation. Two of the murders occurred in the town of Bolton. In one of these cases a man was savagely assailed in the streets at night, and kicked to death, under circumstances which could scarcely have occurred, without the apprehension of the criminals, had there been a proper watch. The other was a case of deliberate murder, in which the murderer escaped, partly in consequence of the ignorance of the constable, and partly on account of the defects in the forms of legal procedure. Very recently two barbarous murders have been perpetrated in the open day in the vicinity of the same town.

§ 47. But besides actual murders, cases of attempted mur-

der, and of the escape of the offenders, are more frequent than is generally supposed. Thus, to the question whether the constables apprehend parties without being applied to, the magistrates of the Ampthill division of Bedford answer—

No, generally speaking. There are some active constables in the district; two or three of them are night watchmen, and, as such, in constant employment as constables. About two years ago a farmer, who had given offence to some poachers by refusing to allow them to pass over his land, was shot at and seriously wounded in the open day by a poacher, who stood at the door of a beer-shop on the public road. There were several persons in the beer-house, and other persons in the road, who saw the act; but the man was suffered to go away. He was at or about his house in the parish all the rest of the day unmolested. The constable, a small farmer and well-disposed man, in excusing himself for not apprehending him, said he did not know he might do it until he had obtained a warrant! As soon as the case was made known to the next magistrate, an investigation took place,—a reward was offered by the wounded man's landlord, and the best means which the neighbourhood afforded used for the apprehension of the offender; but though it is now known he was about the neighbourhood for some weeks, he was not taken, and is still at large, as is supposed, in London.

§ 48. In illustration of the state of the Constabulary Force, or agency for the preservation of the public peace, with respect to minor disturbances in a district reputed to be peaceable, we may cite the following passages from a communication made to us by Sir Edmund Head.

It is singular that, with no apparent cause for discontent of any kind, the point relating to the state of tranquillity or excitement of the county should, as far as regards the immediate neighbourhood of Cardigan, require a more lengthened statement.

At the present time the magistrates of Cardigan and its vicinity are greatly embarrassed by the increasing practice, called the "Ceffyl pren," or wooden horse: a figure of a horse is carried at night in the midst of a mob with their faces blackened, and torches in their hands, to the door of any person whose domestic conduct may have exposed him to the censure of his neighbours, or who may have rendered himself unpopular, by informing against another, and by contributing to enforce the law. On the horse is mounted some one, who, when the procession makes a halt opposite the residence of the persons whom it is intended to annoy, addresses the mob on the cause of their assembling, and on the delinquency of the obnoxious party. When the exhibition is directed against supposed domestic irregularities, it is often accompanied with the grossest indecency.

This practice has of late assumed a very serious character; in spite of all efforts made by special constables, and the usual resources of a rural district, it has now continued for several weeks. Two or three magistrates (among them the mayor of Cardigan) were severely maltreated by the mob, and on one occasion the local authorities thought it expedient to write for some troops from Brecon, although they remanded them before they arrived at their destination.

On the last occasion on which this ceremony took place, its object was to denounce to the populace a Scotch agent, who had informed his employer that he had seen a person cutting one of his trees, and thus contributed to the conviction of the offender. The next person threatened with it is said to be a clergyman, who procured the restoration of a stolen sack to its owner.

This state of things in a rural district, among a people not generally given to violence, may not seem very important, but I consider it as furnishing strong evidence, that there is no part of the county, however remote, and apparently simple in its manners, which does not need the establishment of some more efficient police than that at present existing.

The district round Cardigan is exposed to no vicissitudes of trade or sudden falling off in employment calculated to facilitate disturbances, or impede their suppression, yet the existing resources of the authorities have been found totally inadequate for putting down these riotous meetings. I firmly believe that this is the conviction of the magistrates themselves, and if I mistake not, it is their intention to represent this conviction to the Secretary of State.

The right which is thus arrogated of judging and publicly animadverting on, by such means, another man's domestic conduct, is certainly characteristic of a rude state of society; but when the same measures are applied to punishing the discharge of a servant's duty to his master, or to thwarting the operation of the laws of the land, they become of much more serious import. The principle is perfectly Irish, and though the practice falls short of the manners of that country in atrocity, it equally contains the germ of resistance to legal order. It must be remembered too, that few outrages in Ireland ever exceeded in brutality those perpetrated a few years back by the Welsh at Merthyr Tydvil and its neighbourhood, in what were popularly termed the "Scotch cattle rows."

§ 49. The constabulary being the primary constitutional force for the protection of individuals in the enjoyment of their legal rights, for the repression of any violent aggression upon those rights, and for the service of process by which the rights may be protected and infractions repressed or remedied, it follows that in proportion as the agency is efficient or weak the rights are well or ill protected, or private individuals are abandoned to their own means of self-protection. In some classes of cases, from the difficulty of getting constables to serve process, many escapes take place: the difficulty of obtaining from them the protection of the service of process for the recovery of rent, has in many cases exposed the very possession of such property to much hazard; and in Manchester the strongest aid of the police has been necessary, for the enforcement of the legal process by which the collection of rents and the rights of property have been maintained.

We have had instances presented to us of continued infractions of such rights; tending to prove that many districts are unprotected by the proper civil force, that the powerful enjoy their rights by their own strength, rather than by any imme-

diate aid of the law (which is in reality weak, in proportion to the distance of places from the superior courts), and that the less powerful, or those who have neither the means nor the inclination to incur litigation or maintain contests, are, in consequence, often subjected to the most grievous oppressions. In illustration of the need of an efficient force for the protection of individual liberty, we select the following case which occurred in Wales:—

Lieutenant Cole, an officer of the Royal Navy, had purchased the freehold of some land near Rhayader, in Radnorshire. Some of this land had been inclosed by the person of whom he had purchased. It appeared that Lieutenant Cole had a clear title to the land; however, had his title been defective, it did not extenuate the use of illegal violence, which might equally be exercised for the infraction of a legal right. A neighbouring proprietor, who was also an attorney, and from family connexions a person of some influence, asserted that the land attached to the house was common, and determined to dispossess him. Lieutenant Cole offered to meet any claim in a court of law, but this was refused, and possession was taken of the land by several men armed with bludgeons, who broke open his gates, and turned their horses and cattle into his standing grass.

It appears the owner applied for the aid of the civil force to protect him from the aggression, and only succeeded after ten days' daily application in gaining assent that the aid of six special constables should be afforded to him, since the ordinary constables were inefficient. He then took the cattle to the pound, but the aggressor came with a superior force, released them from the pound, took them back again to the lieutenant's ground, and kept them there by force. The owner again applied to the magistrate for protection; the reply to the application was, that the applicant must get up a superior force to oppose the aggressor's force. The latter threatened to cut down his timber and destroy his house; no constables could be got to act; and ultimately the owner was compelled to hire twenty-five men, strangers to the neighbourhood, arm them, and keep them on his property to repel the assailant's force. The immediate agents of the aggressor were convicted of riot, but from the weakness of the means for protection from subsequent revenge, it was deemed prudent to keep the sentence suspended over them.

The main particulars of this case were corroborated by other witnesses, who are disinterested. The aggressor has since died.

Lieutenant Cole was asked—

Was this an extraordinary event, or have such acts of aggression without law, or setting aside the legal forms, been frequent?—They are by no means uncommon; mine was a case without a parallel: be-

cause opposition in such cases is never attempted; the poor bend instead of opposing. Their feeling is, that might overcomes right, and that custom excludes the law; and they establish the custom according to their own interests.

You then consider that this was not at all an extraordinary case, but a common case in the neighbourhood; proceeding to settle the thing by violence, there being, in point of fact, no law in these cases?—I consider this an extraordinary case, only because it was opposed. Generally speaking, a party fancying himself aggrieved takes the method most agreeable and shortest to himself, crushes his opponent, and with scarce a grumble it is yielded to.

We understand that you wish to impress this upon the Commissioners as an instance within the locality, where no constables or anybody else could be trusted to act, independently of personal feeling?—That is true, most assuredly. I can declare most solemnly that, generally speaking, in that part of the country, that is the feeling.

§ 50. Another illustration was presented to us from Seven Oaks, in the county of Kent, where upwards of 100 journeymen papermakers had determined that they would pay no poor's-rates for the tenements in which they resided. This determination they gave effect to by beating off and deterring the peace-officers from the service of process. Arrangements were made by which a signal should be given, and the whole of those workmen interested should be assembled on any appearance of the constables to levy any distress. The rioters were in the full enjoyment of impunity when the matter was brought under the special notice of the magistrates, and it appeared to be a case for calling out the yeomanry, or for employing the military. Before either course was adopted, it was thought that the metropolitan police should be applied for. One serjeant and four privates of the metropolitan police were sent to the spot, and, by rapid action and concert, they at once succeeded in apprehending 10 of the rioters. They were compelled to take with them, by force, one of the local constables to identify the parties. He was so far paralyzed by fear that he was about to run away, and the serjeant of the police was compelled to threaten to knock him down if he again attempted to desert his duty. Had there been no efficient civil force available, the only alternative would have been the employment of the military, when there might have occurred a scene of bloodshed similar to that displayed a short time before in the same county, in the conflict with the fanatic followers of the madman Thom. Experienced officers have expressed to us a confident opinion that by an efficient Constabulary Force that outbreak might have been prevented or suppressed without the bloodshed produced by the collision with the military.

State of the Protection of Travellers on the Highways.

After having examined the state of crime affecting the safety of the person and property, and the sense of security of those of Your Majesty's subjects resident within their respective neighbourhoods, our next inquiry was as to the adequacy of the securities provided by law for the person and property of wayfarers and strangers who travel through the country.

§ 51. We find no traces of mounted highway robbers amongst the class of habitual depredators, and could find no recent cases of the robbery of mails, or of travellers in stage coaches by robbers of that description. The last case of robbery by a mounted highway robber was that of a man executed for an offence of that description committed near Taunton in the year 1831. The suppression of highway robberies in the vicinity of the metropolis dates from the appointment of an armed horse patrol. At present the roads in the suburbs of the metropolis are traversed by Your Majesty's subjects at all hours of the night, almost with the same security as in the day. Robberies in the neighbourhood of provincial towns by mounted highwaymen are rendered more hazardous than heretofore by the increased number of turnpikes and other means of recognition and of detection. To the stoppage of coaches, and robberies by such acts of violence, have succeeded the simple thefts of parcels, which is a species of delinquency more safe and lucrative, and, as far as we have the means of judging, they are more frequent than highway robberies were formerly. But footpad robberies, the robberies of single passengers committed with violence, are still so far frequent as to render travelling at night in many districts extremely insecure. The present state of the highways in this respect is described to us in such evidence as the following:—

Mr. J. H. Elliott.—We are informed that you are a member of the commercial firm of Baldwin and Elliott, and have occasion to travel through different parts of the country?—Through a considerable portion of the south of England.

What counties?—The south-eastern counties, from Norfolk to Devonshire.

How many years have you been accustomed to travel?—Twenty years.

You have an acquaintance, then, with commercial travellers generally?—Yes, I know a good deal of their habits, with regard to travelling.

You frequent the same inns?—Yes.

Is it your own habit to travel at night, or after dark?—Not at all. Only on very rare occasions after dark. Occasionally in a moonlight night I may; but it would be contrary to prudence for any person who travels about the country with much money in his pocket to be out

after dusk. I would rather travel before light in the morning, than very late at night.

Is that habit general amongst the travellers?—That is their general, almost universal habit. So much so, that if a person were to come into the room where travellers were collected together at eight or nine o'clock in the evening in the winter time, it would be the general remark that he was very late; that he was doing that which was obviously contrary to their prudent custom.

Prudent with respect to the avoidance of danger on the roads?—Yes, with regard to thieves. There is no other danger now; the roads and appointments are so good, that there is no other danger.

Have you travelled on any of the roads where there is a patrol or a police?—Along the roads within the distance of five or six miles from the metropolis, at all hours riding and walking, and I never was interfered with. Nor did I ever see anybody attacked, and I feel the most perfect security and confidence, and I never go about with any kind of fear within that line.

If you went out beyond that line of the police————?—I should feel considerable alarm. I should not do it without I had a very strong motive.

In your own case, what degree of interruption do you find it, this prudent abstinence from travelling at night. To what degree does it interfere with your business, or the extent and duration of your travels?—If a person could travel about the country in the winter times during the short days, he would find it of great advantage. If I could travel the roads where there is no police, with the same sense of perfect security that I can within the police districts, I should be able to save perhaps 5 days in 40. The most dangerous time reputed to be so in the country is not at midnight, or the very late hours, but about six or seven o'clock in the evening, when working people are about. The habits of the country people are so much earlier than those of people in the towns, that very few people are about at 10 or 11 o'clock at night.

And there is no robbery at those hours because there is no prey?—There is no personal robbery; but hen-roosts and sheep-folds may be robbed late at night. There are no people about at late hours in the country. There may be a carrier's cart, or a stage coach, or a stage waggon, but very few other persons. On many occasions it would be a great saving of time indeed if I could go 10 or 12 miles through the country from one town to another, at eight or nine o'clock at night. It would be a very great saving of time indeed.

As you do not yourself travel out at night, you do not carry any arms?—No, because I do not make a habit of being out at night; but occasionally some young men do, who like to sit late at dinner, and they frequently have a dog and pistols with them.

That is when travelling out on unpatrolled and unprotected roads?—Yes.

In the course of your travelling, have you observed any instances of like fear or apprehension on the part of people who are more constantly resident within the district?—There is a general habit in the country to avoid being out after dark. Farmers who go to the market will make their arrangements, so that they can get home as early as possible; and occasionally, if a robbery has been committed in the district,

it will excite the most remarkable alarm all through it. I remember two years ago there were two robberies committed near Eye in Suffolk, within a day or two of each other; they created such an alarm throughout the whole district, that nobody ever thought of being out after dark. When the farmers had occasion to return from the market, they made their arrangements to go home two, or three, or four together. One robbery committed in a district will create that remarkable alarm all through that district, that is, one highway robbery which is known. It is not unfrequent in the country for carriers with a one-horse cart to be robbed; we are constantly hearing of things of that sort. Whenever there is any collection of persons together, as at fairs, the London thieves make a point of going down properly appointed with well-dressed girls; and now they have introduced the plan of adding a boy to their retinue, and with the assistance of the boy and the girl they induce farmers to go up green lanes, and rob them of considerable sums of money. Almost all the large depredations, from what I can hear, within 100 miles of London, are committed by itinerant London thieves.

It is well known therefore that those thieves are migratory from the towns?—Yes.

Are not the farmers sometimes robbed by those parties with violence?—Frequently, and of large sums of money.

In the course of your travels have you paid attention to the objects along the roads—the foot passengers of the inferior classes?—All the high roads are beset with vagrants; at every interval of seven or ten miles there is a lodging-house for the especial reception of wanderers who live by begging, and by petty pilfering.

Mr. Thomas Burt examined.—We are informed you are a straw-hat manufacturer, residing in Holborn, and that you have been accustomed to travel as a commercial traveller?—Yes, throughout England during the last 10 years.

Have you read Mr. Elliott's evidence?—Yes, I have, and I perfectly concur in it as a statement of the general condition of the roads and of the feeling of insecurity of travellers in travelling after dark.

Have you yourself been ever robbed?—No; but I have been shot at. I was shot at some time ago near Harpendon; the shot missed me, but the report of the pistol started the horse which I had, which was a blood horse; it galloped away and I did not attempt to stop it. I was then going to Luton market (as is the usual practice), with money to purchase straw plait. When I related the circumstance at Luton, I was told that a robbery had been committed near the same spot a short time before.

Do you know of any other instances?—None of my own personal knowledge. I have heard of many other instances.

What part of the country do you consider the most dangerous, or the least safe to travel?—Of my own knowledge I may state that the districts in which I and other travellers feel the least comfortable in travelling are the neighbourhoods of the northern manufacturing towns, as the vicinity of Manchester, where some ferocious highway robberies have been committed. One gang was pursued and broken up. One of the robbers was, I believe, caught and transported. The neighbourhoods of Bury, Preston, and Rochdale are felt to be very bad. A

savage murder was recently committed on a foot traveller in the vale of Todmorden, on the road to Rochdale. Another murder was committed, for money, on a foot passenger near Bolton. There are two roads, one over Blackstone Edge, the other through the vale of Todmorden, through neither of which, I apprehend, would any traveller, under any circumstances except those of the most pressing emergency, venture after dark. The character of the lower classes in those neighbourhoods is barbarous to an unusual degree. The lower classes in the neighbourhoods of Dudley and Wednesbury are almost as barbarous; but I have not heard of the like instances of robberies and violence having been committed there.

Are the places you mention destitute of the protection of any police or patrol?—In the immediate neighbourhood of Manchester they have a police; but I am not aware of the existence of any in the other places.

Have you travelled abroad?—Yes, I have travelled as a commercial traveller on the continent, principally through France and Belgium. I have been in Spain, but I have not travelled much there. I am, however, much acquainted with travellers in Germany.

What do you commercial travellers find to be the comparative state of security of the roads on the Continent and England?—I can have no hesitation in stating that on the Continent the security is much greater. It is, within my own knowledge, much greater on the roads on the Continent over which I have travelled. The many German travellers with whom I am well acquainted have stated to me that in Germany robberies are scarcely ever heard of, and Prussia is marked as a country free for the traveller. In some parts of Italy, and in Spain, in general, the roads are stated to me, by commercial travellers, to be nearly impassable. In Tuscany, however, there is a good government, and there is a very perfect freedom for commercial travelling from the oppression and terror of robbers. England, in respect to the state of the roads, follows next after Italy and Spain.

Mr. Lindsay Cole examined.—It is stated to the Commissioners that you have been a commercial traveller?—Yes: during six years.

Through what part of the country have you been accustomed to travel?—Norfolk and Suffolk, Yorkshire, the East and Midland counties, Kent, and part of Sussex, and Leicestershire.

Have you read Mr. Elliott's evidence?—Yes: I have.

How far does your experience coincide with that stated in his evidence, with relation to the parts of the country of which he has given information?—On every point I can confirm his statements.

What is your experience as to the state of security or insecurity of the roads in Yorkshire?—A large proportion of it is as desolate and bare of protection as Salisbury Plain; and I found travelling there, with money or with anything valuable, attended with danger. I cannot give a better conception of the state of insecurity than by the fact, that the farmers in the neighbourhood of Leeds frequently waited for each other's company, to return home after the market. I have dined at the market tables at Pontefract, Howden, Selby, &c., and have observed a wish on the part of the farmers, especially after dark, to get company to go home with, and several times have they availed themselves of my lamps; more particularly when they have received payments for their corn or

wheat sold. I have seen the same at other places. I have known commercial men to travel on horseback as a more secure mode than travelling in a gig, and I have adopted this mode myself. In some parts there is great difficulty in the transmission of money. I have had in my possession two or three hundred pounds of gold or notes, or paper only negotiable within the district. When I have been travelling with such sums, I have more than once thought that, had I been attacked, I should have stood but little chance of saving my money or of recovering it afterwards.

What description of force do you believe would give confidence and freedom to travellers under such circumstances?—A police like the metropolitan, on which one might rely in case of need.

Have you not felt the same security from any local or municipal police?—I have met with none ; nor should I rely on the people where such states of things exist, for I have found protection against them wanted in times of excitement. I know of an instance of a gentleman travelling in the neighbourhood of Leeds during an election who was hooted and pelted in consequence of his unconsciously having ribbons at his horse's head of the unpopular colour, which were intended only for ornament. Whilst I was on a journey through Kent, staying at Canterbury, I remember that a complete stop was given to business by the canvassing of Sir William Courtnay, or Thom, and throughout the county at that period it was necessary to show no opposition to the popular candidates, in order to go through the county with safety.

Robert Tebbott, Esq. the vice-chairman of the Chorlton Union, in the course of his examination with relation to the state of crime in the neighbourhood of Burnage, about five miles from Manchester, mentions one instance of the murder of a female in the open day for the sake of her money. From some mismanagement, the man, who as stated afterwards confessed that he had committed the murder, was acquitted. He was a native of the place. Very serious highway robberies have been committed there by strangers. The witness states as an instance that

They robbed a young couple who were just going to be married, people in very respectable stations in life; they stripped them and robbed them ; they were taking a walk about 12 or 1 o'clock in the day, in the neighbourhood of Thetford ; they were stripped and robbed of everything they had. I do not know that they were ill-treated ; pistols were presented to them, and, singularly enough, they were not convicted of the robbery in consequence of the parties refusing to take an oath ; but they were convicted afterwards for stealing the pistols, and were transported for that offence.

The following are the statistical returns of the cases of robbery effected with violence on the highway and other places. We have before stated that these returns afford scarcely any means of judging of the number of offences actually committed :—

	Parties Apprehended and Committed for Trial.	Convicted.	Executed.
1831	573	297	7
1832	382	223	4
1833	394	240	8
1834	375	194	2
1835	378	202	0
1836	334	201	4
1837	290	158	0

State of Protection of Property Conveyed on the Highways.

It would be superfluous to attempt to set forth the high importance to a commercial community of giving security to commercial produce *in transitu*.

§ 52. Though on our inquiry it appeared that the bulk o such produce, which is now conveyed in the greatest quantity on canals, is tolerably safe from large or violent robberies, it was proved at the same time to be subject to systematised petty thefts of great importance in the aggregate, and deserving of particular attention, as developing the formation of extensive predatory habits exercised on a great mass of property in the possession of parties, whose responsibility is not sufficiently close for its entire protection, and for the prevention o f those criminal practices, to the gratification of which property of other descriptions and of other individuals is eventually subjected.

In the course of our investigations we received statements that particular parts of the country through which canals pass were subjected to much petty depredation. It was also stated in some of the answers received by us, that the canal boats which travel by night are frequently made use of by regular thieves for the transmission and disposal of property stolen from the adjacent country. Houses for the reception of stolen goods on particular parts of lines of canal were also pointed out to us. It was evident that these houses could only be maintained by a considerable amount of plunder from the property conveyed by the canals, yet our preliminary inquiries of some of the carriers on the canals were met by evasive answers, or positive denials, that any serious or systematic depredation existed. Several of the most respectable canal carriers gave us very explicit answers to all our inquiries on this topic. The nature of the depredations to which lines of canal are subjected, is described by Mr. Dowling, the Commissioner of Police at Liverpool.

What sort of goods are brought by the canals?—The canals immediately connected with us bring, principally, Manchester manufactured

goods from the upper districts of Lancashire; manufactured goods of every description.

Are the lines of canal protected by any kind of police?—None.

Are the goods on the canal subject to much plunder?—Yes, the bales are opened, boxes and cases are broken open and plundered, and it is so well done that the discovery is almost a matter of impossibility until they arrive at their destination, because they are addressed by order at Manchester to the parties abroad, to whom they are sent, and till they arrive at their destination no discovery of the robbery is made, so that before the return of the loss arrives in England six or eight months may have elapsed, and the goods so stolen are, of course, far out of the way and beyond the reach of any police by that time.

Then do the merchants at Liverpool receive accounts of the deficiencies in the goods that have been transmitted?—Yes, constantly.

How are you enabled to tell that that loss may not have occurred in the transit through other hands?—I know it from the fact of having made it a study to discover whence the robberies arose, and ascertained that it did not occur at Liverpool.

What circumstance led you to make that personal study, and to take those steps?—The representation of the merchants here as to the loss, and then the almost impossibility of its occurring after the goods left these docks, because the captain of the vessel is the person responsible. He signs a bill of lading when the goods are shipped here, and if he does not deliver the quantity stated in the bill of lading, he is the only person upon whom claim can be made for the deficiency.

Have you often received complaints from them?—They have written here describing the fact of the bales and cases of goods being found, when opened, deficient; but stating, also, that they were apparently perfect and untouched, and I have found that they have delivered them in exactly the same state as they received them. On finding these reports constant, I took measures to watch the loading of several vessels here from the time of their commencing till they left the docks and the river, and, in fact, went to sea, and I was perfectly satisfied that nothing took place here. I have followed the affair to Manchester, and there discovered that the thefts took place upon the canal, for I myself saw where goods were deposited, and by information that I had (of course by paying for it), I found along the line of canal a general depôt for the reception of goods stolen on the canal and along that district; and I ascertained, beyond a doubt, that along the line of canal there were several places in different districts of a similar nature, where they received stolen goods from persons of the same description.

Have you any reason to know that the same system of depredation is pursued on other lines of canal equally unprotected by police?—Yes, I believe, upon every canal.

Were any steps taken to prevent this systematic depredation?—Yes, I took measures to prevent it, and discovered warehouses in Manchester conducted by persons moving in a respectable sphere of life where those goods were eventually deposited. I was in a house where I made a discovery of that nature; I went to the manufacturers and told them what discoveries I had made, and requested them to assist me in endeavouring to put a stop to this mode of plunder. I tried everything, and the answer was, that it was not a thing that affected them much; they

got a receipt from the captain of the vessel for the goods when they were sent on board, and that, therefore, they had a claim upon the merchant, and that it was not a matter that they should give themselves much trouble about; indeed, they refused me personally, and they also refused Mr. Thomas, the chief constable of Manchester, with whom I communicated. I wanted them to suffer some person, whom I would send, to put a private mark on the goods, to check them; but they considered it too much trouble and refused to do it, as it did not affect them personally.

On the part of the merchants, what sort of assistance did you get from them, the parties on whom the loss would really fall?—They were very anxious about it, but they could only refer me to the manufacturers. I could only make those arrangements with the manufacturer, because they themselves packed the goods up: the merchants are very anxious, indeed, about it here.

May we not put this as an example of carelessness in throwing temptation and facilities in the way of the commission of crime requiring some sort of means to check or prevent it, and in respect of which, without such prevention, a preventive police can hardly act?—Yes, most decidedly.

The witness further explained that,—

All the packages that go abroad are packed by hydraulic presses, and so firm as to form an arch, so that the centre, when drawn out, will not decrease the bulk of the whole.

Could an ordinary thief get at those packages and take off the seals?—Yes, and even replenish the seals in the most compact way possible by wax on a cork. The taking the pieces out of the bales is done by a tackle fixed on the mast, and the goods are drawn out from the centre of the bale, leaving an arch, by which the bale appears to be complete.

Is that operation done openly, or is it done at night?—It is done on the canal where there are no houses near and no persons present but the boatmen, and they all share in the plunder. The bale remains in the hold of the vessel. They merely open one end of it and run twine through the ends of the pieces, which form a sort of cord; they put a hook upon it, and then the pieces are drawn out by the tackle and windlass. I have known where even *cases* of goods have been selected: the common operation was putting sealing wax on the end of a bung, or cork, putting grease upon the seal, and then taking off the impression upon the cork, breaking the original seal and using the impression taken off again with grease upon it. In this way a considerable amount of property even now is extracted daily.

From your experience are you enabled to say that that extends not only over this line, but over other lines?—Yes, I have no doubt of it; I know positively that it does.

And in those cases of the lines of canal where there is a transit of goods in which the inhabitants have no immediate or pecuniary interest whatever, it would hardly be to be expected that they would be protected by a police entirely under local control?—No, certainly not.

Mr. William Kershaw, a partner in the firm of Buckley and Kershaw, canal carriers, examined:—

Will you describe the nature of the depredation to which you are

subject, and the facilities for the disposal of the stolen property that may exist?—The most that have been plundered have been manufactured goods. The packages are opened and parcels taken out to the amount, in some instances, of £4 or £5; some to a greater amount. That is the sort of depredation we are most subject to. But flour and malt, and any description of packages are plundered. They have places where they can dispose of this with very great facility. Those places are with us the cheap beer-shops, and the greater proportion of the property plundered from the boats is disposed of at these places, to the proprietors or parties that congregate there.

Is wool taken in large quantities?—Wool is very liable to pilferage, and is very often pilfered.

Are commodities not easily identified taken out of the bulk?—Yes.

Have any preventive means been afforded by the constables, paid or unpaid, that may be found on the line through which your goods pass?—They never go voluntarily, but act upon the instructions we have given to them; but there are never any steps taken without application being made by the carriers.

Messrs. George and John Kenworthy, who are carriers of goods from London to Manchester, and from London to York, Huddersfield, and Bolton, state, that they are subject to the plunder of silk, wine, and spirits, abstracted in such small quantities as scarcely to be discovered, and yet of considerable value in the aggregate:—

We are aware that there has been for a number of years a system of very small depredations, pilferages that it is almost impossible for us or for the owners of the goods to detect, they having occasionally convicted parties of this description of plunder. We are also aware that there are people who do receive these things from the boatmen.

Are you much exposed to this depredation in any parts of Cheshire?—Yes, our boats pass through Cheshire, and we have reason to believe that about Stone, in Staffordshire, and about Lynn, there is some of it. Many years ago we convicted some parties that had removed some wool from one of our boats to Lynn. * * * *

I will give you an instance of an extensive robbery of silk, about six months ago, or rather better. That was a peculiar case. The boat was stopped in Staffordshire on the Trent and Mersey canal, and was robbed of four entire bales of silk, and removed to a beer-house into the possession of a man who was well known in the neighbourhood as being a receiver of stolen goods. Two others and he were convicted and transported for the offence, and all but the captain of the boat, who was concerned with them, were beer-shop keepers; only one out of four was concerned with the boat.

How did the robbery take place?—They stopped the boat in the night and took the bales out; they brought a cart and took them away.

Had you reason to believe that the captain, or person convicted, was a person that for any length of time had been in the habit of committing depredations?—Yes; the receiver had been a noted man well known to the district police. S—— was the person in whose house the silk was first put; he was a beer-house keeper. L——, another receiver,

we heard had taken a great deal of it; he was another beer-house keeper. Another man, of the name of P——, was the third.

Did you recover any of the property?—Two-thirds of it. It was removed, in the first instance, to a barn.

What was the value of it?—About £600, and we lost better than half of it. When an active search was made for it, it was removed from the barn and buried in a common in the neighbourhood.

A great deal of pilfering, then, takes place, of which neither you, the carrier, nor the sender of the goods, know anything?—Yes, it is done under such circumstances that we cannot tell it. In silk, particularly, they may, perhaps, abstract a very small quantity, two or three ounces, and we cannot absolutely tell whether it has been done by them or not. In searching that man's house—that is, the receiver's house—we found a considerable quantity evidently taken out of a number of different bales, perhaps three or four ounces in a bundle.

And which had not been missed?—We suppose so; we had no complaints of it. There are other carriers who carry silk who come past that house; it might have been taken out of their boats.

We find, also, that where men work their own horses they will work a boat for less than it can be done honestly for—lower than we can do it. They have to pay for hay and corn and everything of that sort, and it can only be done by making it out from the barges. A great deal of robbery is committed by those men; they work at so much a mile—at much less than it can be afforded to be done at by any possibility.

Messrs. Venn and Bull, carriers on the river Severn, and on the canal to Dudley and Stourbridge, complain of the entire inefficiency of the constabulary, and state—

We have no protection beyond the control over our men,—no protection as regards watchmen upon the line of river or canal. Therefore, a boat may stop anywhere on the river, and the men may do as they please with the cargo, without any interference from any one.

In spite of all your exertions, is there considerable depredation committed?—Yes, robberies are still committed upon the cargoes.

What cargoes are chiefly robbed?—Principally Birmingham and Sheffield, Staffordshire and earthenware cargoes.

Is it by your own boatmen?—Yes, no doubt of it. But then there are receivers of this property upon different parts of the river, and also at Bristol; I think Bristol is the chief mart for them.

Do you happen to know along the river what receivers there are?—The receivers are at many places; at Gloucester chiefly, and a place called Fromcielawd.

There is a police at Gloucester?—Yes, but a very ineffectual one; I think for the whole of Gloucester there are not more than eight or ten.

Do they effect those robberies at night or in the day-time?—I should think both night and day. It is generally conveyed ashore in the night-time. Near to the bridge at Gloucester, I believe, there is a regular receiving-house. Here there are no doubt a great many.

§ 53. The difficulty of detecting petty pillage is strongly stated by the witnesses who have the charge of the property plundered.

Mr. Kershaw is asked—

We presume that besides that which you know of directly from complaint of robberies on the goods, there may be much pilferage that you have no means of knowing, and that is not of an amount to have specific complaints made of it?—I am sure that many goods go abroad from here upon which depredations are committed that never come to our knowledge nor that of the senders. I see on examining my accounts during the last year, we had 14 that came to our knowledge, cases of pilferage, the amount of which was somewhere between £6 and £7. In addition to that, many other pilferages were committed on the goods we carried that no complaints have been made upon.

Messrs. Venn and Bull examined—

There are many places where the boatmen have their own houses on the borders of the canals; there, I believe, is where the chief of the robberies takes place. They stop at any place indiscriminately; wherever they finish their day's work, when they or their horses are tired, there they stop, and those are the times when the robberies are committed.

Do you convey any goods where it is easy to plunder the cargo without discovery?—Yes, because if a cargo of ironmongery, or Sheffield goods, is robbed, we cannot discover it, not even by weighing it; they may put in a brick or a stone to make up the weight. We could not discover it until the parties to whom the goods belonged unpacked them, and compared them with the invoice.

And then it may have passed through two or three carriers' hands, and it is difficult to say whether it was your men or anybody else's men who did it?—Yes.

Have you any means of forming an estimate of what quantity of plunderage there is, and what number of persons there is who live by plunder?—I should think, from the notice I have taken of parties who do no work—that are always walking about—that there must be a great many families supported entirely by plunder.

Along what part?—Along the line principally here, at Gloucester and some other principal parts on the line of navigation.

Along the line you receive no sort of protection?—No sort of protection anywhere.

Have you experienced any want of additional powers against the receivers of stolen goods, either in pursuit of stolen property or conviction?—Wherever we could pounce upon the parties with the goods in their possession, there the law is sufficient. Sometimes we cannot identify them. But there are makers who could swear to their own nails, even their own making. Nails is a thing we are continually being plundered of, and we cannot detect it without weighing the bags, which, from the immense quantity that are carried, would be a serious obstruction in point of time and expense. But I conceive that the only way to put a stop to these robberies would be by a greater check upon the places where they are delivered, at the stopping places where the receivers are, because it would be almost impossible to put a check upon them in the line of navigation, because they may place the boats in such a situation that you could not approach them without going through the water.

Therefore the check *must* be upon the receivers?—Yes, there ought

to be a good check at the waterside, at those places where the boats are most in the habit of stopping.

Mr. Pickford, a partner in the firm of Pickford and Co., carriers, states—

That the depredators can pilfer from a bale of silk, almost, if not quite without its being known; they can take out of a bale of silk just one hank without undoing the stitches, which makes a very trifling deviation in the weight, that you can scarcely detect. Then with tea—If they have a large lot of tea on board, they make just a little sort of break in the corner of the chest; a tea-chest is never without some sort of break, and they take a handful out of one, and a handful out of another; much of that goes on and is never ascertained.

Are there any habitual receivers of this sort of pilferage?—Yes, there never would be a thief without there were receivers. They are always situated above the locks, where there are a large number of locks. Where the boat cannot go beyond a certain speed, and may be detained, is where the pilfering takes place, and what we call the Cheshire locks about Northwich, has been a notorious place for many years, and will continue so as long as there is a canal, and no preventive force—no constabulary.

Mr. Kershaw examined—

Is there no locking or guarding of the packages that you can resort to in the absence of prevention which would check the depredation?—It is impossible from the description of the principal part of our vessels; it is impossible to secure the goods as to prevent their being got at. We have nothing to cover our boats with, the fly-boats, but a tarpaulin; and we could not secure them in any other way.

Could you not put a hatchway over them?—No, those boats have to go under tunnels, with which they would come in contact—small breadth of tunnels which would prevent it.

Have you not reason to believe that the depredation takes place at particular points?—Yes, with us it is so.

In the course of some investigations undertaken by Mr. Fletcher, of the Hand-Loom Commission, in December last, he received the following testimony from one of the largest silk-manufacturers, at Leek:—

He complained severely of the robberies of the raw silk, especially in transit from London, and of the difficulty of owning the property when stolen. "One bale brought in damp by Messrs. Pickfords after being robbed, lost eight lbs. of its weight in drying. The bale weighed near four cwt., being a large bale of Italian. About four lbs. of silk had been taken out of it. This occasionally happens, though not very often. When Messrs. Pickfords in the preceding instance were applied to, they answered that the bale was delivered full weight from them, and that they had no more to do with it. This instance occurred about six months ago. It is impossible to form an estimate of the loss by robbery. Silk is pilfered in every part of the process, and perhaps one in four of the people in employ, men, women, and children, are pilferers. It goes without any ready means of ascertaining the thief. And there are

several persons in the town who get a good living merely as receivers, without any other means whatever. A boy now committed to Stafford gaol stole 15*l.* worth of silk, which he sold to a man, who sold it to a known receiver, who parted with it to a "more respectable" (somewhat richer) party. There is much work given out to wind and twist, and there is great variety in the amount of waste, according to the quality of the silk, which it is very difficult to estimate. It is also very easy to load the silk so as to increase the weight and conceal any deficiency of quantity.

There are two things wanting to correct these evils. One is a greater penalty on the holder of silk who cannot show whence he purchased it. It is now only 20*l.*, which, of course, while driving a thriving trade, the receiver can easily pay. Robbery has become almost universal. Within the last eight years it has increased tenfold. There are as many as ten men in Leek who live in idleness and drunkenness on their gains as receivers. It is said by large manufacturers, though it is of course impossible to prove it, that they believe themselves to be robbed annually to the extent of from 100*l.* to 200*l.*

The other requisite is some better means of detection. It has been debated in the town to have down a London policeman, to put them in a system to detect the offenders; but unless one will tell of his accomplices, it is difficult to know how detection is to be attained. Some of the manufacturers have determined to incur this expense, though others, yet uncertain that they are extensively robbed, are unwilling to take part in it. At present the sole police of the town are a parish constable and a night constable, under the commissioners for lighting and paving. The commissioners, it is probable, will assist in the experiment of trying a London policeman. The receivers dispose of the silk to people "respectable" in circumstances, who get it dyed by the dyers, men of capital and property, and then take it to Manchester and Macclesfield, where they sell it at good bargains. The whole set of receivers in succession are putters up in defence of the subordinates, and detection is almost impossible. About two years ago an association was formed among the manufacturers to defend their property, but it has been of little effect. It could do nothing but bear the joint expenses of a prosecution. The difficulties of detection are too great. A careful winder will make much less waste than the *average*. He will therefore often bring in the *average* of good silk with waste not of their own making, and sell the good silk. Silk is also very easily weighted with salt, moisture, and other materials.

A witness, residing at Coventry, and a constable, states—

That there are in that city people who receive raw silk from the boats carrying it from London to Macclesfield. The bales are plundered by the boatmen, from whom the raw silk is purchased by these parties. Has waylaid, as constable, some whom he suspected of these transactions, and found them returning loaded with silk, and even carrying the steelyards by which it had been weighed. They get it thrown in Coventry, and some of the throwsters of Coventry assume that it is no business to them whence their customers bring it, though they must have perfect knowledge of the sort of quarter whence it has come.

The canal is called the Oxford Canal, and is part of the Grand June-

tion line. It comes through the parish of Sowe and the northern extremity of that of Foleshill; and this plundering is generally in Sowe parish, a number of the boatmen residing in the parishes of Sowe and Foleshill, into which they run home with a bag of this silk. About six months ago there were agents from London and from Macclesfield, both in search of stolen silk, but it could not be identified. About six weeks ago, a bag of silk (which is now in the possession of one of the constables, unless he have sold it) was observed by him when out at night. He had watched several boatmen in the night go to a certain house, each loaded with a bag. He went again to the same vicinity in the morning, and in the cart of the Bulkington carrier, when in Foleshill parish, near the same place, he found a bale of silk, addressed to a Coventry throwster, which he seized in the belief of its being the same which he had suspected in the night, and no one ever came forward to say it was theirs. The constable's name was William Tuckey, who lives near the Red House, and the case was brought before the Coventry magistrates. The carrier was had before the magistrates, and confessed he had carried such bales before, but promised never to do so again. And the directions given by the magistrates to the constables were, in future, to seize the silk wherever they could find it on suspicion, and detain it for an owner, when, if identified, the parties could then be proceeded against; but otherwise not to arrest the parties with whom they found it, or against whom they had suspicion. The silk, when seized, is given up to the magistrates, who keep it in charge of their chief constable for some time; and if not owned, then it is given to the constable who seized it, to sell for his own profit.

The men who have been found bringing away the silk have also been found with stolen wine and brandy by gallons, also plundered. The bottles have been found tied together, and moored in the canal to the windlass with which the lock-gates are wound up. There is the like plundering of tea, sugar, grocery goods generally, crockery, &c.; and informant knows several families who wholly subsist by this canal plunder, without any other means whatever. The boatmen themselves are the first plunderers, and the others the receivers. It is chiefly in the parish of Sowe that the plunder takes place. The facility of selling stolen silk may even be an inducement to boatmen to reside in the vicinity. Has known whole bales to be lost; and knows a weaver "who dyes occasionally," who, whenever there is any apprehension, terminates in his vats all clue to identity by boiling out the gum and giving a colour.

The confessions of delinquents themselves confirm the statements given in such testimony as we have quoted.

J. B., a prisoner in the Knutsford gaol, states that he had been employed in the Grocers' Company ten or eleven years; Halifax Company, one year.

I was in the employ of the Harrington Company when I was taken. The immediate cause of my first offence was want of sense, not of money. I was taught to pilfer by my fellow-boatmen. They used to swear them then not to 'split.' The whole crew were engaged in depredations, and I did as my companions did, and took goods of all sorts, which they sold to the different receivers on the canal. If we got one

half for it, we thought well; the captain was the salesman, and used to have two shares for his trouble and his risk, he having to make all deficiencies good. I last resided for the greatest length of time at Runcorn. About eight years ago an uncle of mine died, and I drew under his will £420. I then commenced business in the grocery line at Runcorn, and purchased frequently purloined property from boatmen. Many of the boatmen's wives used my shop, and got greatly in my debt. I durst not compel payment for fear of 'them blowing me.' I was now much given to drink, so was my wife. I failed, and had to begin boating again.

When boating, I always 'took a little of something every journey.' We might have been altogether stopped, by catching us, and transporting us. If a boatman had £12 a-week, he would consider what he could pilfer as a perquisite. The highest sum I got was £25 one trip. I never was apprehended before this time. We were always very careful of making up our packages to elude detection. We used to match the rope or twine packages were made up with.

J. C., another depredator of the same class, says:—

We employed our spare time in the evenings after work planning how we could get anything out of the packages. Whatever we got we could find a fence for. I supported myself partly by labour, and partly by crime for many years.

The facilities and encouragement found for the commission of crime were, 'the easy way of getting shut of things.' Whatever part of the road you were in you could find a fence (a receiver).

When not in honest employ I was maintained by poaching and stealing. We have many a time milked farmers' cows in the night. We had a borer for drawing sugar or dry goods: we slipped the hoop, made a small hole under it, and introduced the borer, and took what we liked. We eluded detection by the manner we made up our packages again; sometimes the warehouseman thought a pack had been opened; we tipped him something, and he would say nothing about it. The captain would keep a quantity of twine by him to suit the different packages we opened. When we took wine or spirits, we knocked a hoop aside, and made a hole on one side for letting out the liquor, and one on the other for letting in air; when we had taken what we wanted, we put water in to make it up, and pegged up the hole, and replaced the hoop. Nothing would have altogether stopped us but the receiving-houses of the line being broken up; and if they had, there would be plenty others.

We disposed of the property to regular receivers. Our fence master, when he wanted any article which he knew we carried, would meet us 10 or 20 miles on the canal, and assist us to get it out of the package. The highest sum I got on one trip was £9 17*s.* for my own share.

It is impossible to tell how many depredations I have committed altogether. The hands loaded their own boats, and in loading, when we got a package we thought we could get anything out of, we stowed it where we could easily get to it. If we got a package we thought we could make nothing of, we put it at the bottom of the boat. I don't think we ever went a trip without committing a depredation of some sort. Twenty-two years elapsed from my entering upon a course of crime to the period of my first apprehension.

I got more every voyage by pilfering than my wages, either as a hand or captain. I have been seven years captain of a slow boat. I was a hand in a fly-boat 14 years.

I spent my time, when not on the look out for booty, lurking in fields where game lay, sometimes in beer-shops, public-houses, and bawdy-houses.

While engaged in a course of crime there was no hinderance. We never feared anything, for there are no constables on the canals. There are a few bank riders on the canal, but the driver gives us the signal, and we get the cloth down, and make all right.

P. H., another convict of the same description, stated—

I was induced to commit offences from being out of work, and getting to be a hand on a canal boat. I assisted in smuggling (opening packages, and taking goods out), and got my share of the money. I do not think there are any boatmen but what smuggle more or less. I have boated off and on for two or three years, and while working as a labourer, I have worked in the day, and poached at night. I was in work until a few weeks before I left Macclesfield. I never cared much about the constables. They have often met me when I have been poaching, and searched me, but they could not find anything. As an honest labourer, for factory work I got 11*s.* to 13*s.*; while I was boating I have made 50*s.* in one trip, by taking goods out of packages. I have cleared £5 in a week by depredations, and sometimes been a week without trying to get anything.

§ 54. These witnesses attest the fact that the predatory habits thus formed upon the property conveyed in the boats are not confined in their exercise to the property *in transitu*, but are extended to property in the neighbourhoods through which the boats pass.

Mr. Pickford was asked—

Are you not aware that besides this plunder from the goods entrusted, that there is much plunder in passing through unprotected districts, upon the property of the districts, which the better guardianship of a police might present?—I have not the slightest doubt about it. There is a great extent of country that the canals pass through, where there are nothing but farm-houses, and, so to speak, no population; and in this country they are at liberty to do as they like. If a gang of robbers like to set themselves out, they meet the boats, and the boatmen themselves, too, are all of them, to a greater or less extent, poachers. They do not stop to poach, but if in the dusk they see in the neighbourhood an opportunity of carrying off a pheasant, or a hare, or partridges, or anything, in fact, they do it.

Have you not even known deer to be taken off?—I know one instance a man told me he had, and he told me it had been done by others besides.

Do not some of them keep dogs?—Yes, they keep a sort of greyhound, that is a decided poaching dog,—no doubt about it.

Mr. Kershaw states—

Those habits of depredation extend, do they not, to a great deal of depredation along the surrounding country? Do not the men steal

fowls and poach, and steal sheep even?—Yes, there have been many complaints of that kind, where clothes hung out to dry, poultry, and so on, have been stolen.

So that the habit does not confine itself to one commodity, but extends in every direction?—Yes.

It is important to observe how the delinquency of persons, employed as labourers on this description of property, advances to habits of exclusive reliance on depredation as a means of subsistence, when they are included in the class of confirmed thieves.

Mr. Kershaw examined:—

Have you had instances of thieves produced in this way by the facilities offered, or by the absence of preventive means becoming thieves, and going to other ways of depredation?—No doubt of it; many have been made thieves from the very circumstance of their being so loosely watched, and the great opportunities they have of committing these depredations in the night, as the boats pass along the canals. I have known instances that when men have been discharged from their regular employment, they have gone to those places where these bodies congregate together, and lived there for months and months, without any ostensible means of a livelihood. They infest the banks of our canals to a very great extent, and it is a most serious evil.

How do they bring up the children in those cases. Can you give any instances of young thieves bred up in those parts?—Yes; they are seldom employed upon the canal until they get to be 12 or 14 years of age: they are of no service till then; but we frequently find that youths of that age are quite as much alive to the system as those that have been carrying it on for years. I have known instances where boys of that description have been participators, and had a full knowledge of all the circumstances: and I have supposed that being so young, I could get information from them, but I have found them quite as impervious as the oldest thieves in the trade.

The tendency of such a state of things will be made more manifest when we treat of the causes of juvenile delinquency.

§ 55. The evidence above cited forms part of that which it will be our duty to submit, to show the inadequacy of the personal interests of private individuals, for the due protection of property, and the prevention of crime.

It may be stated, that carriers of every description, though interested, ultimately, in the protection of the property *in transitu*, are immediately interested only in the prevention of those depredations in which the losses admit of distinct specification, and for which they can be made accountable. This leaves, unprotected by any sufficient interest, and exposed as plunder, a large amount of property, which may be abstracted in small quantities, as in the pints of liquids from large casks, and handfuls from large bulks. We shall indeed subsequently mention instances connected with marine conveyance, where the bulk of property itself is, by full insurance, left unprotected by the operation of a close and direct

interest, and therefore exposed to plunder. But where the interest in protection is strong and active in private individuals, we still find that the means are wanting for the accomplishment of the object. If the constitutional principle were formally abrogated, that the administration of justice and the prevention of crime belongs to the community at large, and forms the duty and business of the chief executive authority,—a principle which we find extensively in abeyance,—if it were declared that private individuals or associations shall be abandoned to their own means of self-protection, it would be found that crime could not be effectually prevented on this new principle of self-protection. Carriers of the class of those whose evidence we have cited, might, for example, appoint watchmen to each boat; but we find no additional means that could be used to watch the watchman, and prevent him from yielding to the action of constant temptations to the appetite, and becoming one of the gang, and a protector to the plunderers. This ineffectual measure of prevention would be at the expense of a watchman for each boat. And unless that were sufficient, an additional set of watchmen would be required to watch all the houses of the receivers on shore; and this watch, being for one class of objects only, must either be as numerous as a watch for all purposes whatsoever, or it would also be comparatively ineffectual. If, however, it were effectual, the self-protection of the carriers would be confined to the property for which they were responsible, and their means would be but feebly exerted for the protection of the exposed property of the farmers and land-owners on the lines adjoining the canals. This result does not rest on conjecture, but is established by direct evidence. The effect of this neglect of constitutional principle is, in fact, shown even in the recent experience of the police, established for the self-protection of the municipal towns.

§ 56. On the other hand, the narrow operation and inadequacy of the local motives to the protection of the property *in transitu*, is shown in the evidence with relation to the depredations committed on canals.

Mr. Pickford examined:—

The inhabitants at large, then, having no interest in the suffering, and no loss from those robberies on the canals, take no precautions, and give no aid in the prevention?—So far from that, they are rather benefiters than otherwise. They are not parties to the robbery, and they can buy from the receivers of stolen goods their spirits or tea, at a less cost than they would if they bought it legally.

Have you had any instances of that feeling being manifested in the district?—Not at all.

At all events, you have never received any assistance?—Not from the inhabitants; it has all been through the constables and the police on paying for it.

Should you have any expectation of much increased assistance from

any local paid constabulary, if it was entirely dependent on the willingness of the inhabitants to assist?—No. I should have very little, from what I know of the people; having gone up the line frequently to collect the accounts, and gone out on the boats in different ways, and on horseback, I have been a good deal among the common people, and I should say that they are naturally an honestly disposed people, but that as to any assistance to convict one another, I cannot say that I have any hope whatever of their voluntarily attempting it. They are a very uneducated race of people, it should be observed.

§ 57. It has been recently thought advisable that the railroad companies should be compelled to maintain a police force on their works. We beg leave to submit an objection to this measure as a precedent. If it were adopted as a general principle that voluntary associations should protect themselves, and for that purpose should, through their agents, be invested with the power and protections belonging to officers hitherto appointed for the protection of the public at large, each description of property, and each description of personal interest, would have its peculiar police force. This force, though numerous, as it must be, to such an extent as from the expense almost to preclude its application, would, nevertheless, be only partially effectual. The country would be subjected to numerous bodies, not only not co-operating with each other, but, as is shown by past experience, conflicting with and thwarting each other. The narrow view, the saving of immediate expense, must be defeated, and the ultimate expense for the partial protection aggravated. The expense of a special police for the protection of goods *in transitu* must be charged upon the conveyance, and must in general fall upon the consumer. The land-owner or the farmer who recognises no interest in the protection of goods when conveyed on roads or canals, or when shipwrecked on the coast, and who, therefore, on the ground of expense, exclaims against any application of the local force to such a purpose, and calls not for a general provision, but for a special provision, to be paid for by the carriers, would, since that mode is in reality the most expensive, pay for it in the increased expense of the carriage of his implements and his clothing, his tea, or his sugar, or other necessaries or luxuries. The private forces which are thus ultimately paid for out of the public money, may serve to protect particular interests against aggression; but the establishments to which they belong become so many fortresses to protect the employers of the force against the public or the general operation of the laws. It has already been a subject of complaint that the railway police protect the companies against the passengers, without protecting the latter, and that they suppress and conceal information of accidents.

In the course of some examinations of the chief officers at Manchester, Liverpool, and Hull, it appeared that embezzlements have seriously increased, and one of the causes as-

signed for the increase of this class of offences and others affecting large amounts of property, were the temptations of increased facilities for escapes by the new railroads, especially escapes to the Continent of America. On the investigation of the remedies available against such evils, the immediate remedy suggested by the superintendent of the Hull police, and by others, was the appointment of proper policemen at the railroad stations, whose business it would be to observe suspicious characters.

It would (said the last-mentioned witness) greatly diminish the temptations of persons meditating thefts and planning escape, to be aware that at each station where they stopped there would be a policeman by whom they might be noticed, for though he might not apprehend them, he might recognise them and aid in tracing them.

Might not the railroad police do this?—No: they are not a police in point of fact; they are merely a set of men appointed to keep the roads clear of cows and do what is wanted of them by the company, which of course takes no concern in stopping passengers, or anything but collecting fares. When I first saw the railroad police near Harrow, from their wearing the same uniform as we of the new police are allowed, I conceived that it was a part of the Metropolitan Police, and perceiving much irregularity and incivility on the part of the men, I inquired for the superior officer, when I found that the men were under the control of directors or other private persons whom no one knew, and who are not responsible to the public for any complaint. This of itself I conceive is not right.

Was there more of inattention or incivility than you can prevent from your own men?—I have men stationed at the pier at Hull to attend to the public conveniences on the landing of passengers, and I should be sorry to hear such complaints of my men as have been made of the men in attendance at the railroad.

If the companies were required to maintain a portion of a trained police force, would that force be enabled at the same expense to perform the services now required from the company's men on the roads, and at the same time attend to the general service of the public in the prevention of crime?—I have no hesitation in stating that if the police were general, and there were a proper system of communication, a less number of men would suffice on the roads, and that all the services required by the companies might be performed at a less expense to them, that the men might be made responsible to the public for attention and civility, and complete the proper chains of communication for the prevention of crime.

One effectual means to countervail the increased facilities for escape by the new modes of communication would be the establishment of telegraphs along the chief lines, a measure by no means costly, but one in which the company has for such purposes no interest. It appears that numerous depredators subsist by depredations committed on the passengers on chief roads or lines of communication; that uninformed foreigners on their landing are frequently made a prey of; and that poor

emigrants about to embark are often defrauded of their money or of their goods, and reduced to destitution by depredators, against whom they are now commonly left defenceless, except at such points as at Hull, where a proper force is established. We might adduce other illustrations of the expense incurred to the owners of property; such as shareholders, and the more serious loss in the loss of service to the public by the abandonment of the public functions to private, unskilled, and unauthorised persons.

The natural result of the extensive trial of an expensive, disjointed, and conflicting force upon the principle of the self-protection of each particular interest, we apprehend would be that, after a long experience of its expense and ill working, the common interest of all parties, in economy as well as efficiency, must induce them to resort to a general, a consolidated and combined, and more efficient though reduced force.

§ 58. The principle of self-protection is, however, partial in its operation, and leaves unprotected larger portions of interests too weak to protect themselves but for that purpose most requiring protection. Many interests, though great in the aggregate, are so divided, and by division weakened, as to afford no adequate motive for maintaining the requisite self-protection. In the instance of property *in transitu*, we have seen in how small proportions the responsibility is divided between the various hands through which it passes from the first producer, the first trader or distributor, the first packer or warehouseman, the canal carrier, the shipper, the sea carrier, and the various agents abroad, to the ultimate consumer. We have had strong instances presented to us of the almost total annihilation of responsibility in such hands, by the unguarded application of the principle of self-assurance. This has been made fearfully apparent to us in our examination of the state of that protection, which all humanity and civilisation demands for strangers and property, cast on the shore by shipwreck, or brought by disaster on the coast. The subject appears to us to be so important, that we cite at length the evidence given with relation to it by Mr. Dowling, the Commissioner of the Liverpool Police.

During the four years that you have been on the service here, have you had frequent occasion to attend or been called into service to protect property from the occurrence of shipwrecks?—Frequently.

What are the habits of the inhabitants of the coast in respect to shipwrecks; are there any gangs of wreckers?—They are all wreckers. Almost all the inhabitants along the coast are decidedly wreckers.

Does your knowledge extend to the Cheshire coast generally?—I speak more particularly of the Cheshire coast, because that is the most dangerous coast, and the one on which the wrecks most generally take place.

You are aware that in the county of Cheshire the magistrates have a paid constabulary force?—I believe that is only in Chester, and that is very recent. They have very few.

Such as it is, does it avail against the wreckers?—No; they have no paid constabulary force upon the coast.

Have the inhabitants, in fact, never taken any care of that?—No; a wreck takes place, and the wreckers, unless prevented by the assistance of the police from Liverpool, plunder and do as they please.

Will you state instances of what you know of the habits of the people along the coast?—I have frequently had occasion to go when vessels have been on the sandbanks. In some cases we have been in time to prevent depredation, where the vessel has not gone to pieces or been near enough to the shore to have been boarded by the wreckers. But in other instances, where the property has been floating about and the vessel gone to pieces before our arrival, we have known of large quantities of property being taken up the country—for instance, casks of rum or perhaps of wine. They would knock the heads out, and men, women, and children would bale the liquor out with kettles and pails and everything they could get, and carry it up the country. So with bale goods, tobacco; indeed everything they can make use of; and such was the feeling of the wreckers, that if a man saw a bale of goods or a barrel floating in the water, he would run almost any risk of his life to touch that article as a sort of warranty for calling it his own. It is considered such fair game, that if he could touch it he called out to those about him, "That is mine." That is marked as his, and the others would consider that he had a claim to it, and would render him assistance. Such was the feeling of the wreckers when I first came here. When we have been able to get over in time our services have been effective, and we have on one or two occasions driven them away. In some cases there have been as many as 300 or 400 persons assembled in a very short time; on other occasions 50 or 60.

On those occasions have you been obliged to resort to force?—In some cases; we have not come to actual blows perhaps, but the police always go armed on those occasions (it would be useless going without), and they are somewhat alarmed at the appearance either of the fire-arms or the cutlasses, and they have been driven away without actual force. In other cases it has been necessary to take men into custody where the depredation has been committed before our faces, and they have been committed.

How do you go armed, with fusees or what?—Cutlasses principally. I have a few small fusees of my own, and I let the men take those more as a matter of alarm than anything else, and for making signals to each other. Perhaps I may be allowed to say that since I have been here several wreckers have undergone punishment in consequence of stealing property of the description I have mentioned, it having been found in their possession; but from my making it known that for any property brought in from wrecks there would be a salvage guaranteed by me, I have recovered a great deal of property, at all times taking care that the men received a proper salvage for their trouble; and a great many men, not wreckers, have gone out from Liverpool with what we call speculative boats (a vast many men keep boats on speculation), lifting anchors, and so on. These boats going out save as much as they can,

and on bringing the property to me, they receive, eventually, their salvage.

Have you ever found steamers of use in that way?—Yes, very useful; because they can go out at high flood and do a great deal of good.

You are now speaking of this alteration as having occurred within your time, and within the reach of the police?—Within the reach of the police of Liverpool on the Cheshire coast, where we go rather as a matter of charity than anything else.

You have jurisdiction there?—Yes, by the Municipal Act. But I used to go before we had jurisdiction, when I was in the dock police.

Over what extent do you generally go?—We never have gone beyond Hoy Lake, never more than seven miles.

Have you the information which enables you to speak confidently as to the occurrence of wrecks beyond that, and whether the practice of wrecking is common?—Yes, I know positively that it is. I can speak generally I know it has occurred, and I can speak most positively as to one case in particular. A vessel, called the Hayes, was wrecked beyond the place I mentioned, on the coast of Wales. Everything from that wreck was taken possession of by the inhabitants of the coast, and on an agent being sent down for Lloyd's to collect what property he could, he found there was no constabulary force existing from whom he could get assistance. He applied to a magistrate, who told him that he could not assist him in any way but by making him a special constable, and letting him do it himself. I believe there was only one constable, and he was applied to to assist. He was, consequently, sworn in as special constable, and from a number of cottages he procured some quantity of valuable goods that had been taken. There is a case I will mention where an Italian vessel was wrecked upon the coast, and before my arrival there the wreckers robbed the sailors who had escaped from the wreck, and took the clothes out of their chests before their faces on the coast. That was within the district, within the seven miles I have spoken of.

May there not be even now, before you arrive, cases of plunder?—Yes, decidedly. If a decided wreck takes place, if the vessel is sufficiently injured to form a wreck, the accumulation of wreckers is the most instantaneous thing you can imagine. They see from their residences what is likely to happen when a vessel is on the coast. They look out for it, and they are there before we can possibly get to them. It takes us some time to ascertain the fact of a vessel having struck. We are not mounted, and are obliged to hire cars on the other side of the water, and go across the country seven miles.

Have any efforts been made either on the part of the local constabulary, the unpaid constabulary, or the magistracy, to interfere with or to put a stop to those atrocities?—Very little interference took place before my arrival here, by what I could learn; but since my being here, when it was found that the police could prevent those things, an effort has been made by the magistrates of Cheshire to do something effectively by way of building a depôt and a lock-up place for the protection, to a certain extent, of wrecked property, and they voted the sum of £200 on condition that the merchants of Liverpool would assist them; but the merchants of Liverpool refused to do so. Accordingly

nothing has been done. I will mention another case. On one occasion, when a number of goods were upon the coast, I went over with a large party of police. The weather was exceedingly boisterous, and on my arrival on the coast a man came to me, stating that he was the constable of the place, and had been ordered by one of the magistrates to report himself to me. I said, "Very well, remain with us." "Oh! but," he said, "who is to pay me?" "Oh," I said, "I have no funds or authority to pay you. If you are ordered to give your attendance by the magistrates, I presume you must attend." He said, "Oh no, I shall not stop here in this weather, nor shall I give any assistance, unless you can pay me." I said, "Then you had better go home, I have no means of paying you." That was the only constable, I believe, belonging to the place. This was at Leso. That was all I heard of him, and that was all the service that was ever rendered. On another occasion, one of my men in the dock police, from the height on which he was posted, saw a body upon the sand, which turned out to be the body of a Custom House officer, who had been wrecked, and on going to the body he found that there was a watch and money upon it, and he took possession. That must have been seen by persons who were on the look-out most likely, and a man who was a constable, with two others, came to him and suddenly seized him, saying, "You are my prisoner." He asked, "What for?" He said, "You have been robbing that dead body, and you must deliver it to me immediately." He said, "No, I am a constable, and I shall not deliver the articles up." (He had taken it to prevent its being lost; I forget whether he said that he had delivered it to the inspector on duty with him.) The constable, however, had committed an assault upon my man. He had a fusee, which they did not notice at the time, with a bayonet fixed upon it. He took them all three into custody, and made them all walk before him under a threat of shooting them if they did not. He took them to where his serjeant was; they were liberated, as the man was known to be a constable. Summonses were issued for their appearance before the magistrate, and the constable was fined to the extent of 40*s.* for the assault.

Within your own knowledge have not the magistrates appeared or interfered actively to prevent any of these atrocities on the occurrence of wrecks?—On the occasion of a man having been taken into custody for stealing a tarpaulin, which was found in his possession, a magistrate of the county of Cheshire came to me while the man was in custody, and said that it was a trifling thing, and asked to look at it. It was shown to him. He said that the man ought not to have been taken into custody; that he was a very good man, generally speaking, and that it was too trifling a thing to take a man into custody for, and endeavoured to persuade me that I ought not to proceed against the man for it. Proceedings were taken, however, before the Cheshire magistrates, but I believe the man was liberated; I am not quite certain about that at present.

Do not you know any other instances where the magistrates have interfered actively to prevent these occurrences, or to check them?—I recollect the case of a clergyman, a magistrate, going on the coast among the wreckers, supposing he could do some good, when they laughed at him and quite set him at defiance, and told him he had

better go home. While he was talking with one party, they destroyed the traces or part of the harness connected with his carriage, so that he had some difficulty in putting it to rights to get away at all; his interference was perfectly ineffectual.

Who was the magistrate?—Archdeacon C——. I may, perhaps, as well state, too, that the agent employed upon the coast there for Lloyd's, under the agents here, has frequently applied to me, stating that it was perfectly useless his attempting to interfere; he was in danger of his life if he attempted to go out of his house. He was threatened that unless he retired, he should be marked. He said it was no use interfering even with a number of men, unless they went armed. Such was the state of things, that he resigned the agency. Mr. Atherton, of New Brighton, was the agent.

You found the merchants indifferent about this; the merchants did not join the Cheshire magistrates in the subscription?—No, they did not. I look upon their reason to be, that they felt little or no interest in the loss or saving of property, inasmuch as they had insured it, and that, therefore, the loss would not fall upon them.

Have such statements been made, or such indifference been shown, to you?—I know an instance where a vessel was on shore, and on my offering my services to the owner of the vessel, he stated distinctly, "Why, I had much rather that she went to pieces; but we are obliged, by the underwriters, to save what we can, and I suppose we must do it."

Then he went to work indifferently?—Yes, decidedly. That was his answer to me, that he would much rather she went to pieces.

What sort of intelligence or assistance have you ever derived from the underwriters themselves?—The agents are always very active, and they are very respectable men. They have been very anxious to save all they can.

But has it not been generally considered by the underwriters that the owner of the property is the person responsible?—Yes, and they state that the owner of the property must exert himself to save all he can, otherwise there would be a doubt of his effecting his insurance and of its being *bonâ fide*.

And on the part of the owners you found, generally, the feeling that you have described in that particular, or, at all events, you found no alacrity?—I must say that in some instances I have found the reverse. I could mention some cases where the owners have been extremely anxious about it; but I think, generally speaking, it operates upon the owners to produce the feeling I mention, to induce them to be careless about it.

So that between the underwriters throwing the responsibility upon the owners, and the owners relying on the insurance made to them, the third parties, who are unprotected, namely, the crew and the passengers, have not only their property but their lives at stake, or put in jeopardy?—Yes, decidedly so.

What is your impression as to the probability of obtaining actual security, or the repression of these barbarities by the means of any local and voluntary exertions of unpaid constables, or of anything but a paid and responsible police?—I should say there is no probability of these

barbarities being repressed by any voluntary associations, or by any means but a paid constabulary force.

In any of the cases have the coast guard been there in sufficient numbers to render assistance?—We have no preventive guard on this coast. There is a resident custom-house officer, but he cannot be called a preventive guard. There is none on the coast I allude to at all.

In point of fact, have there been any services rendered by such a force as the customs?—Except as far as the individual exertions of a man resident will go, none at all. He has on many occasions rendered individual assistance.

This is the state of things, according to your information, from merchants, from agents, and from others, that prevails, not only along the Cheshire, but along the Lancashire and Welsh coast?—Yes, the Lancashire and Welsh coasts also.

Mr. John Taylor Gregson, formerly a master mariner, and now acting with Mr. Chapman Wilson, as assistant agent at Liverpool to Lloyd's, was examined on the same subject.

What are the habits of the people along this immediate line of coast, on the occurrence of shipwrecks?—They consider they are entitled to what they make, as much as to say, they put all the civil authorities at defiance; they go in bodies together at night, and secrete themselves in the sand-hills, and they plunder the wrecks.

As respects property, are the habits of the people habits of plundering,—those of banditti?—I do not know as to banditti. They go more in family connexions. There is a jealousy of one being more successful than another, therefore they go in little parties, family connexions, and so on. If they get anything heavy, they will all join in the thing, cut it up, and run in different directions with it; a bale of linen, for instance, they out knives, cut it up, and each takes his portion, and carries it away, as much as ever they can.

Will you give instances within your own knowledge of the state of things now existing on other parts of the coast as to the disposal of wrecks?—On the 1st of January I received information that a quantity of goods had driven on the opposite coast of Wales, on the river Dee; we got information of people having been to the beach, and taken things away, a box of gold watches, and bales of linen; and those things they had concealed there, knowing that we had arrived on the coast. I went to a respectable gentleman there; says he, "I shall apply to the magistrates for search warrants." We went to a clergyman of the church of England; he says, "Gentlemen, I think it will be of little use; you will get no person to search their houses in this neighbourhood,—they are all neighbours,—they are afraid to do it." The constables were out of the way. He said, "We can swear in special constables, but these men are afraid to go near the people's houses;—they may do it with you, but they would, in fact, endanger their lives." "Well, what is to be done? we must search these houses." "You can get no person to stop with you." "Oh," the gentleman said, "I will go with you." "The men do not wish to go with you into those houses to do this, for they would be marked men." I said, "Will you swear me in as a

special constable?" "Certainly, sir." I said, "I had it in contemplation, before I left the coast of Cheshire, to bring six or eight of the Liverpool police with me." "I wish you had, I should like to make an example of four or five of them." He said, "It is abominable; the other night, from the plunder from this vessel, they were drinking at different public-houses, and fighting all night about the division of it. They gamble, and do different things; they will not work. They quarrelled in dividing this spoil, and it keeps this part of the country, when a wreck is on shore, in a state of continual riot and disturbance."

That is an instance of the state of things on one part of the coast. Can you present the Commissioners with any other instances of the state of things on other parts of the coast?—It is the same in Hoylake Head, between that and Cheshire. The men conceal themselves in the sand-hills, and they return at night, and with the quarrelling and dissipation, and all those sort of things going on, with what they sell and plunder, the magistrates are quite put at defiance.

Have the passengers' and sailors' things been plundered on those occasions?—Generally, they are so. It is a thing that they look for.

And without any hesitation?—They think nothing of it; they think they are entitled to it. It is a common occurrence. In the case of a vessel upon the sand, called the Heys, they came from the county of Cheshire further up; there was a jealousy amongst the people coming to partake; they thought they were entitled to share. If a Liverpool man were to go to assist, there would be jealousy directly; they do not wish to have those people amongst them. When the Sophia was on shore, two or three boats' crews used to go off: they were very insolent wreckers from Liverpool; they would go and take the copper off the vessel's bottom. Those men were offered 4*s*. 6*d*. a-day wages, and they would not work; they had come for something else. These men got away a couple of bolts. I said, "You must not do this, this is plunder." "We are not taking anything. I suppose every man has a right to take what is here, one as much as another." Then I said, I would give them to the police. They got very riotous; 12 or 14 joined together, and I mentioned it to Mr. Chapman Wilson, to send some policemen down to protect the property.

These descriptions by witnesses unconnected with the districts in question, have been confirmed by the information of witnesses resident amongst the lower classes of population on the coast, or connected with them, and well acquainted with their habits:—

Witness went about three or four years since with two of his sons to Hoylake, to buy some wrecked rum, and he was astonished to see how it was hid by the wreckers. They removed a stone or a board close to the side of the house, and a large cask was concealed under the foundation. The wreckers dispose of the cargo among their neighbours or persons in the adjacent towns. Strangers come from all parts and deal with them, so that there is no occasion for them to run the risk of taking it to Liverpool, as they might be stopped.

Speaking of one village, a witness states—

The greatest portion are men calling themselves fishermen, but who, in fact, live by plundering wrecks. They intermarry, and are nearly

all related to each other. They are a most determined set of villains; it matters not what comes in their way, they will have it.

Another witness, an inhabitant of this part of the coast, stated:—

"On many occasions when wrecks have taken place he has known the produce of their plunder to have been openly hawked about for sale; butter 2*d.* and 3*d.* per lb., rum 4*s.* to 5*s.* per gallon, fine gown prints 3*d.* to 4*d.* per yard, and many other articles in the same proportion; and the bodies of the drowned persons are almost invariably stripped of every thing valuable, money, watches, &c.

"About three or four years since the '*Grecian*,' Captain Salisbury, was wrecked off the Cheshire coast; Captain Salisbury was drowned, and when his body was found it was stripped of every thing, and whilst on the shore waiting to be conveyed to some house for holding an inquest his finger was cut off to secure his ring. The body of a female was washed on shore, when a woman at Moreton (a village in the neighbourhood) was proved to have bitten off the ears to obtain the earrings.

"An old stager at this sort of work had contrived to get a puncheon of rum on shore, and with great caution had conveyed it to his dwelling, and placed it in his yard or garden under some stale dung and other manure; he had flattered himself that it was perfectly secure, as not an individual but his own son had assisted him or had the slightest knowledge of the theft or the place of concealment. After a few days, finding everything quiet, he resorted to his booty for the purpose of drawing some off for sale. The cask was safe in the position he had left it, but, 'diamond cut diamond,' the son had robbed his father of the rum in the night, and disposed of it to his own advantage."

It is the opinion of one witness that they would use every endeavour to bring a vessel into danger rather than help her, in order that she should become a wreck, and exposed to their unchecked plunder. They all bring up their children in the same line of crime as themselves, and there are generations of wreckers. These men pretend to be fishermen; but though the witness has been at Hoylake for some time, he has not seen or tasted any fish. The men live entirely upon the plunder of the wrecks. Much of the property is sold in the villages and adjacent districts, but most of the plunder is taken to Liverpool, and there sold at the marine store dealers. A great quantity of plundered property (indeed, nearly all the unsold portion) is concealed under ground.

The demoralized habits of the population of the coast were developed on the occurrence of the severe storm at the commencement of the present year.

Mr. Maurice Mathew Dowling further examined.—Were there any wrecks produced on the Cheshire coast that you are aware of by the recent storm on the 7th of January?—A great number during the night of the 6th, and in fact during two or three days, both Sunday, Monday, and Tuesday. The weather was so violent, and the sea so high, that a great number of vessels were wrecked both upon the Lancaster and the Cheshire coast.

Did you, or did any of your force proceed to the Cheshire coast?—A number of the police force under the command of a superintendent named Quick, who had formerly been in the metropolitan police force, were sent over to the Cheshire coast with a view of assisting in saving life and property. I think about 20 men went over. There were a number of vessels on shore from which very valuable property had floated and been driven on shore. The wreckers came down in great numbers, in their usual numbers; the arrival of the police of course caused them to retire. Some of them, however, to the number of 25, were taken prisoners by the police, most of whom were caught in the act of opening and plundering the bales and cases that floated on shore. As soon as an opportunity occurred they were taken before the Cheshire magistrates, three of whom were assembled to meet the charges. One of the magistrates exclaimed, "Holloa, holloa, Liverpool police here! What business have you here? You have no business here; you have no business in Cheshire; what authority have you here? you have no authority here at all; we shall have nothing to do with you; go about your business;" and that was acquiesced in by the other magistrates, and something to the same effect said. The superintendent argued, and said, "Sir, these persons were caught in the act of plundering, and I believe you will find, if you will refer to the Municipal Act, that we have, as constables of Liverpool, authority in Chester in consequence of its being within seven miles of the borough." "Oh no," was the reply, "no such thing; it is not the fact. Mr. W——," (who is an attorney, and the magistrates' clerk,) "do you know anything of this kind, that such is the fact?" "Oh no, I know nothing of the kind; the Municipal Reform Act gives no such power; I know of no such power." However, the superintendent argued the question very calmly and properly, and induced the magistrates to remand the prisoners to a future day. In the mean time the town-clerk of Liverpool sent an extract of the Act over, and on the following day, or a day or two afterwards, some portion of the prisoners were committed for trial. They felt very sore about it, but still there was something like an apology made; not exactly an apology, but they said, in a sort of sour tone, "Well, we find you have in cases of felony some authority," (whereas we have authority in all cases,) "but still you ought to have consulted us about it; the magistrates here ought to have been consulted, as a point of courtesy Before you came into our county you ought to have consulted us about it." In matters of that kind we presume that all that time spent in finding a magistrate is lost, when you have no specific spot to find him in. It would be so much time thrown away where lives are in danger every moment and property too, so that the best way is to send to the spot at once when you have authority, which we certainly had.

Was it found on that occasion that there were any special constables sworn in?—None; I believe none; there may have been afterwards, subsequently to this affair; but I believe I am correct in saying that at first there were none, and that there were no means taken whatever. I do not know that there have been any means taken at all. I believe not, because our people have been there ever since. We had a guard upon the coast, and have now a portion of the men sent, a sort of guard there to protect the coast. There are still several vessels buried in the

sand, and property is still washing up. There are no special constables, I believe, to this day.

If there had been proper energy, would the previous experience have been such, do you think, as to call for the appointment of special constables, or for such special means as are available on occasions of this kind?—No doubt of it. If they had profited by their experience they must have known that under the circumstances of such a hurricane it would be necessary to appoint a strong force to protect the coast; no doubt about it; a child of six years old must have known it, and yet there were no means taken.

If there had been any paid officer or constabulary force in the district under the command of a responsible officer, and he had omitted to take these precautions, as a commissioner of police would you have thought he had been guilty of a dereliction of duty?—I should at once have said he had neglected his duty.

Would you have at once dismissed him?—I should certainly. I must say this, that if it had not been some one who understood his duty, as Mr. Quick, having been in the London police, did, who had been sent over there, I have very little doubt that the prisoners would have been liberated, and that would have led to extensive plunder, as they would have gone at it under the certainty that we had no right to interfere. But Mr. Quick knew what he was about, and stiffly held out that he was authorized to do what he did.

Mr. Tyrrell, the superintendent of the Liverpool Dock police, has made to us the following statement with relation to these proceedings:—

The late disasters arising from the hurricane has given another very cogent reason of the necessity of the police and some controlling power. The wreckers along the Cheshire coast have had a fine harvest. Hundreds of persons with articles from the vessels which had gone to pieces, were seen deliberately going into the country with as much as they could carry, and this traffic continued two days without anything being done on the part of the constables or other authorities of the district to prevent it. On the second night a body of the Liverpool police was sent over, and succeeded in capturing some of the parties (and stopping the plunder). They were taken before the magistrates, who in very harsh terms told the officers they had no right there at all, and that they would be getting into trouble if they came there interfering. This was said in the presence of the prisoners, their friends, and others, who were at the time in court. After this it was naturally expected the officers would meet with great opposition on the beach, and which proved to be the fact, for at night they were forced to use their arms to protect themselves against detached groups, who apparently came with the intention to molest them, and told them they had no more right there than they had. On a subsequent night some of them were found armed with pistols loaded with ball. Four of them were taken before the magistrates, who severely reprimanded them, and they were discharged without even being called upon to find bail, and the pistols ordered to be restored to them. This is the first instance of our finding them armed (except with bludgeons or sometimes a few pitchforks).

§ 59. It is our duty to report as the result of extensive inquiries we have made, as to the mode in which the primary duties of a civilised community, in the protection of the persons and property of wayfarers and strangers, are performed, that the barbarous practices above described are not confined to those districts, but prevail amongst the population of the coast, wherever wrecks occur and where protection is not given by the active interferences of the well organized and conducted force, the coast guard.

Mr. E. J. Parrey, the officer commanding the coast-guard station at Deal, on the coast of Kent, represents that on the occasions of wrecks on the Goodwin Sands, the population assemble for plunder:—

In the case of the Lord Sidmouth, wrecked on the Goodwin Sands, a great part of her cargo of timber came on shore at St. Margaret's Bay. One man was saved out of her whole crew, (by the activity of the coast-guard,) who had floated near the shore on a part of the wreck from the Goodwin, distant about seven miles. The officer and men stationed there were obliged to fire over the heads of the country people who had assembled during the night for the purpose of plunder, to intimidate them; and on every occasion of wrecks, the whole crew of a station is obliged to be called out to protect property, and see it safely lodged under the Customs' locks, or delivered to the lord warden's agent.

Mr. E. W. H. Jervis, the officer commanding the coast-guard at Folkstone, states—

Parties assembled for the purpose of plunder when the following vessels were lost, namely (Columbia, Lord Exmouth, Fortune, Maria Anne, Adelaide, Dixon, and Harriet), to the number of 200,—their determination, however, to obtain the property, never assumed so serious an aspect, but that the coast-guard force was fully sufficient to deter their open attempts; but in long dark nights, when the cargoes became scattered along the coast, no doubt plunder was effected to a small extent by stealth, while the coast-guard were attending to their more immediate duties.

Captain William Johnson, the inspecting-commander at Whitstable, states—

On the occasion of a quantity of goods having been driven on shore by the violence of the gale on the 27th and 28th December 1836, supposed the cargo of a vessel wrecked on the Margate Sands, the people of the different inland villages assembled, to the number of from 200 to 300 persons.

The officers and men were employed giving every assistance in picking up and securing the goods that came on shore, and preventing pillage by the assembled persons, but notwithstanding there was (no doubt) a great quantity carried off by them, and all the cautions of the coast-guard could not prevent it. I allude to the 27th and 28th December, 1836.

We have received similar accounts of the conduct of the

populace on the Sussex coast. Mr. D. Mayne, the commander of the Rayneham district, states—

On the 17th November, 1836, on the occasion of the William, West Indiaman, getting on shore about three miles west of Beachy Head, and for five or six days following, until she completely fell to pieces, persons to the number of 200 or 300 assembled on the beach close to her, no doubt, for the purpose of plunder. Likewise on the 20th February 1837, on the occasion of the Hebe being wrecked, near Stoneham, considerable numbers of persons assembled for the same purpose. Three wrecks have occurred on this station during the last three years.

So on the Hampshire coast, Mr. William Radcliffe, the inspecting-commander of the South Yarmouth, or Isle of Wight station, states—

At Atherfield there were many hundred people,—men, women, and children,—assembled along the coast for nearly three miles, in an incredibly short time after the Clarendon and French chasse-marée Jeane Maria went to pieces, plundering what they could lay hold of, the women concealing it under their cloaks, the men passing it to each other, and hauling it up the cliffs. Several men were detected by the Atherfield crew and rural police, who were convicted, fined, and imprisoned by the Newport magistrates. At Furhanter, during the wreck of the French sloop L'Auguste, there was a large assemblage of persons, apparently for the purpose of plundering. At Sconce Point there have been no assemblages, nor have any occurred on the Newtown guards.

At Atherfield, in the case of the Clarendon, the coast-guard crew proceeded to the spot without delay, taking with them Dennett's life apparatus, but too late to save life, the vessel having gone to pieces within ten minutes after striking, at 6 A. M., and being 2¾ miles from the shore. The chief officer at Atherfield took charge of the wreck, stationed men along the coast to prevent plunder, hired a party of men to save and secure the property until Lloyd's agent came, 1 P. M., who took charge. At the same time several of the rural police arrived to our assistance, who were of the utmost service, the coast-guard not being sufficiently numerous to prevent stealing. In the case of the Feronia, likewise, at Atherfield, the coast-guard got on board through a very dangerous surf, ran an anchor out, and secured the vessel until high water, when they hove her off in a very leaky and dangerous state. Assisted by a few fishermen they took her round to Portsmouth, and delivered her to Lloyd's agent. In the case of the Jeane Maria (Atherfield), the coast-guard proceeded to the spot with Dennett's rocket apparatus, but too late to save life, from the distance between the wreck and the shore. The coast-guard, assisted by the rural police, took charge of the property, and guarded it until sold by the French Consul.

On the Dorsetshire coast, when wrecks have occurred, it appears there have been similar assemblages for plunder. The following are instances:—

Captain Hellard, Inspecting-Commander of the Coast-Guard Station at Weymouth, in a report to the Comptroller-General Coast-Guard,

respecting the wreck of the ship "Arethusa," and the barque "Louise," on the 28th November 1838, says,

I have to acquaint you that every possible exertion has been used to secure the wrecked property, but the beach has been so completely lined with men, women, and children, whose only object was plunder, that with all the exertion and strength I could possibly muster, as well as being assisted by the force under Lieut. J. A. Stevens, inspector of packets, whose men attended particularly to the foreigner; still I regret to state the plunder has been considerable, and in effecting which a melancholy loss of life took place during a thunder-storm, about five P. M. on the evening of the 29th ult. by the upsetting of a trow in the Backwater, when three men belonging to Checkerell parish perished in their second attempt to fetch across stolen property from this unfortunate wreck.

In a letter from Lieutenant Woodriffe, R.N., to Captain Hellard, in reference to the above-mentioned wrecks, dated 29th November, 1838, that officer says,—

I will thank you for instructions as to the wrecked property, whether I am to keep a portion of the crew from their usual coast-guard duty to protect it from the lawless barn-door savages of the coast.

The following is an extract of a letter to the Comptroller-General, coast-guard, from Captain Hellard, inspecting-commander of the coast-guard station at Weymouth, respecting the wreck of the schooner "Columbine," on the 29th November 1838:—

I have to acquaint you that a considerable quantity of this vessel's cargo has, by great exertion, been saved, consisting chiefly of iron; that much more would have been preserved for the owners had not the people from Portland, who completely covered the beach, committed the most barefaced plunder, which all the exertion of the coast-guard, assisted by the custom-house boatmen, could not possibly prevent; in fact, the crews at the several stations are completely worn out with the fatigue consequent upon such distressing occasions. The wreck was, however, yesterday given over to the charge of Lloyd's agent, who has removed a part of the property to the custom-house and his own store.

Mr. J. Prenning, the inspecting-commander of the Dartmouth station on the Devonshire coast, states—

There have been assemblages of country people on all occasions of wrecks for the purposes of plunder, but particularly in the case of the brig Achor, on the 24th May 1835, when from 500 to 600 people from all directions, and from considerable distances, assembled, who were violent in conduct, and eager for plunder, which required the utmost vigilance and firmness in the coast-guard to protect the property, in defiance of which, and for want of a superior force, much of the cargo was stolen; the schooner Sarah, and Dutch galliot "Catherina," at Paignton, March 1836, and the "Duke of Marlborough," at Torgnon, on the 11th October 1836.

In a Letter to the Comptroller-General of the Customs from Captain Pulling, Inspecting-Commander of the Coast-Guard station at Dart-

mouth, respecting the wreck of the brig "Euphrasie," of Ostend, and of the brig "Barbara," of North Shields, on the 29th November 1838, he says,

I beg to remark, that as soon as I was made acquainted with this circumstance, I proceeded to the spot, where I found the collector, who had arrived about half an hour, together with Lloyd's agent, also the chief officer, Lieut. Haswell, and part of his crew, guarding some things which they had with great difficulty saved, for during the time they were employed endeavouring to save the lives of the crew, the country people, who were assembled in great numbers, were plundering in all directions from both these vessels, and conveying the articles inland. The collector and myself, as well as Lloyd's agent, under these circumstances, deemed it advisable to search the villages of Bigsbury and Ringmore.

We accordingly yesterday morning proceeded to search (by virtue of the writ of assistants) for any contraband property which might be concealed in those villages, and found a good deal of the wreck of those vessels scattered about in various places.

In reference to the wreck of these vessels, Lieutenant Haswell, R.N., in a letter to Captain Pulling, dated 30th November 1838, says,—

I cannot but speak in terms of the highest praise of the good conduct of my crew, and of those of the Hope Station who were associated with them in guarding from plunder the wrecks by the country people, whom they were constantly pursuing to retake portions of the wreck which they were continually making off with; in fact, Sir, this latter part of our duty has been most trying and irksome, from the insolent daring of the plunderers. Mr. Shaef, Lloyd's agent, from Thurlstone, has been in attendance, employing men, horses, and carts, to collect the wreck together, for our better guarding, which, I am sorry to say, we have been only partially able to do, owing to the extent of the wrecks and the number of marauders on the coast.

I have every reason to believe Lieut. Haswell and his men did their utmost to save the lives of the crew, as well as in protecting the property of these vessels, but from the vast concourse of people assembled for the purpose of plunder, and the determined manner which they evinced in carrying it away, rendered it impossible to prevent it, unless they had used their fire-arms; and I take this opportunity of stating, that if the coast-guard are not armed with more authority than at present, it will be impossible to prevent these acts of plunder in future.

And in a Letter to the Commissioners of the Customs, respecting the wreck of the brigs "Concordia," of Exeter, "Barbara," of North Shields, and "Euphrasie," of Ostend, from Mr. E. Brooking, Collector of the Customs at Dartmouth, he reports,

Custom-House, Dartmouth, 6th December 1838.

We have the unpleasant duty to state, that in the two latter cases nothing could exceed the barbarity and rapacity of the people on the coast; notwithstanding the great exertions of the coast-guard, and the very liberal offers of salvage, nothing that came ashore that was at all portable could be saved.

We beg to state, that in consequence of the shocking scene of plunder, the collector and the inspecting commissioned officers of the coast-guard,

with civil authorities, proceeded to search the houses of the most notorious, and found in several houses parts of the wrecks, and took five of the offenders before magistrates, but, from want of connecting evidence, failed in convicting them, excepting one Benjamin Hooppell, of Bigsbury, who was released after payment of a fine of £11. 10*s.* 6*d.*

We beg to state, that it is to be regretted the want of magistrates and constables on the coast, particularly in the vicinity of Bigsbury Bay, as we had not the assistance of the former, and had to send a considerable distance for the latter.

Mr. Charles Rich, the officer commanding at the coast-guard station of Sunderland, on the Durham coast, states—

That the assemblage of people with a view to plunder, has been great on the stranding of a vessel having a cargo on board. On the whole of that coast the preventive service sufficed to check plunder.

Mr. William Deane, the officer commanding the Bridlington station, on the Yorkshire coast, states—

When a wreck is driven to the strand and breaks up, a great number of persons assemble on the occasion, many of whom would attempt to plunder any such valuable articles that they can get off with, particularly during the night, when they cannot always be kept in view by the parties of the coast-guard. Only one instance of detecting such persons has occurred during the last three years.

Mr. J. Lester, the commanding officer on the Lincolnshire coast, states—

At the wreck of the Gateshead, February 1836, there were assembled for the purpose of plunder, about 200.

Mr. J. M. Bate, the officer commanding on the station at Mundsley, on the Norfolk coast, states—

In all cases of wreck there are great assemblages of persons for the purpose of plunder. In April last, shortly after I took charge of the district, a vessel was wrecked on Harbro' Sands, with deals, having about 50,000 on board; many came on shore on Palling Beach, and it was with extreme difficulty that the crew of the Palling coast-guard station could prevent plunder. They, however, secured 700, partly picked up by themselves, and the rest recovered from the different parties on the beach, and who would, had it not been for the coast-guard, have carried them inland. On the whole being collected, about 1,000 was missing; the duty on each deal being 3*s.*; and as the wind blew directly on the land, there can be no doubt the whole was washed on shore, and those missing must have been carried away by the parties whose only object was plunder.

The duties of the coast-guard are, in the first instance, to direct their exertions, and make every possible effort to save life. This done, to secure what cargo may come on shore. In many cases, they have difficulties to contend with, it appearing to be a generally conceived opinion, that they act without authority, and are doing so from interested motives; they consequently are often opposed by persons who possess interest, or are in some way connected with the wrecked vessel, as was the case with the "Raby Castle," the agent appointing parties to guard the property washed on shore, and declining the ser-

vices of the coast-guard, until it was found that the persons so engaged had broached the spirits, and many things were carried away; they then solicited the services of the coast-guard, and further plunder was prevented. Authority, consequently, should be given them to act exclusively, and independently of all private individuals, until everything was secured, then to deliver the same into the hands of the owners or agents for Lloyd's, as during contention many valuable articles may be carried off, which would be avoided by authority being placed in the officers of the coast-guard.

Mr. J. J. Harmes, the inspecting commander of the Yarmouth station, states—

That on gales of wind blowing on shore, there are always people on the look-out to carry off anything clandestinely, that they may be able to lay hold of.

Mr. George Baker, the commander of the Aldborough district, on the Suffolk coast, states—

On two or three occasions when a small vessel was wrecked opposite the villages of Bawdsey and Aldirton, the inhabitants came down in large numbers, and would have committed depredations, but for the protection afforded by the coast-guard.

Mr. Richard Scott, the commander of the coast-guard of the Port Cawl station, on the coast of Glamorganshire, states—

That on the occurrence of wrecks, there have been a great number of persons on the coast assembling for plundering,—the number unknown.

The population on the coast of Cornwall has long been notorious as addicted to this species of plunder. But we do not find that the flagrancy of the practice has led to the adoption of any special measures for its prevention by those who are locally charged with the administration of the law. We are informed that one voluntary association, called the Society for the Preservation of Lives and Property from Shipwrecks was formed, but failed of obtaining sufficient support. Whilst on other parts of the English coast the persons assemble by hundreds for plunder on the occurrence of a wreck, on the Cornish coast they assemble on such occasions in thousands. The following letter to the Comptroller General of the Coast Guard describes the treatment to which foreign as well as native ships are still exposed when wrecked on Cornwall:—

SIR, *Penzance, 4th October*, 1838.

I have the honour to acquaint you that on the 1st instant I received intelligence that a French brig, "Les Landois," was wrecked between Sennen and Priest Coves. I immediately proceeded with the crew of the "Sylvia," R. C., to protect the property. On arriving at the spot I found the coast guard of the stations adjoining doing their utmost to protect the cargo, with which the beach was covered for the space of a mile. It consisted of pipes of wine, casks of brandy, tobacco, cotton, liqueurs, &c. There were 4,000 or 5,000 people of all

classes staving in the casks, drinking the liquor and wine, and plundering the property of every description,—hundreds of women with pails, pots, jars, and other vessels, carrying it into the country in all directions. We destroyed and upset many hundred of these vessels in our passage down to the wreck, and proceeded to protect the full casks, which were surrounded by many hundreds of men who threatened to destroy the coast guard when driven away, and armed themselves with staves and pieces of iron from the wreck. It was impossible, in such a case, with our force of 25 men, in such an extent of coast, to preserve the whole of the property. After every exertion that could be made, 41 casks of wine, with a quantity of cotton, cork, staves, &c., were secured and placed near each other, which were protected during the night, and by Monday evening removed to Penzance.

I beg to state that we were under the necessity of using the fire-arms during part of the above proceeding, in preservation of our lives; but it was over the heads of the plunderers, and the swords were only used in striking with the backs over their hands; but this was after the Riot Act had been read, and there has not been any blood shed. The names of some of the parties who committed assault, and in whose possession plundered property was found, have been given in to the local authorities; but as some special constables, who arrived late at night, were unable or unwilling to identify parties who were taken, the number of the obstructors in the execution of this duty, who have been recognised, amounts only to two, and those with property in their possession are 15, which cases are now before the magistrates for further proceedings.

The manifest of this vessel having been lost, the quantity of the cargo has not been ascertained; but as she did not break up till after the tide rose far in shore of her, I have every reason to believe a great portion has drifted out to sea.

I beg to state that this duty has been very arduous, and was attended with danger; and that the officers and men of the coast guard behaved in a most courageous and creditable manner.

I am, &c.

ALEXANDER SHAIRP, I. C.

The Comptroller General Coast Guard.

Such outrages would be most aptly characterised in the terms which would commonly be applied by Englishmen to such behaviour of the natives of a foreign country on the occasion of the wreck of an English vessel on their coast.

§ 60. From what is already effected by the coast guard, some conception may be formed of the state of impunity which prevails on the parts of the English coast where the guard is absent or weak. It is proved in several instances, and the officers of the coast guard add their testimony, that an efficient constabulary force would render effectual the protection, which the common humanity and the laws of all civilised nations require to be given to persons and property on such occasions. An efficient constabulary force might otherwise be made of great value in aiding in the general object of the coast guard.

We shall revert to this topic when we have occasion to speak of the functions of a paid constabulary.

§ 61. The observations we have made on the systematised depredation on the goods conveyed by the canals are applicable to the depredations perpetrated on our coasts. The absence of effectual means for prevention, in the cases of shipwreck is attended with more serious evils. Eash case of calamity of the kind stimulates an appetite for plunder in a large population, and when the ships and crews of foreign vessels are lost or plundered, international obligations and the national honour are violated.

Whilst the general public interests involved in the prevention of such crimes are of the highest order, local interests for the prevention of such crimes are scarcely found to exist. The magistrates of the hundred of Wirral being asked—"Does any nightly patrol appear to be requisite within your division?" answered, "No, except as a coast guard to protect wrecks; and such guards should be appointed at the expense of the port of Liverpool merchants and underwriters, as entirely affecting them.

It appears to us that the opinion expressed in this answer by the magistrates is short-sighted and is founded on a misapprehension of their legal, constitutional, and moral, not to speak of their Christian duties. Though they do not suffer by the plunder, which they are bound to prevent, yet they must ultimately be sufferers by the depraved habits which that plunder produces amongst the population of their districts. The inhabitants where these habits of plunder prevail are of the most demoralized character, and in all respects of the worst description. According to the ancient constitutional administration of justice, the people and the administrators of justice within the districts where instances of plunder were allowed to occur, would be made sensible of their duties by heavy amercements and by other salutary punishments.

Mr. Trafford Trafford, the chairman of the quarter sessions, was asked—

What have the magistrates done upon the information of the wrecking that has taken place along the coast of Wirrall: we understand they have made some sort of offers?—We offered to meet the people concerned in the vessels liable to be wrecked with a certain sum, to erect a lock-up upon an extended scale, with yards and conveniences to it for securing property, that men might be sent there two or three days till the magistrates should assemble at Petty Sessions to hear them. That has been declined on their part. We do not think ourselves warranted in going beyond a certain extent, in order to secure their property; as far as the suppression of crime goes, it is our duty. As to the securing their property, the plan was, that there should be attached to these locks-up a building, in which property might be put,

and to make the thing extremely complete. They declined to contribute their portion. We cannot be expected to make an erection of that nature out of the county rate. It will do very well to secure the men before they are brought to the magistrates, for which we shall be justified in charging the county rates; but we should not be justified in charging them for a building to secure their property.

We entertain considerable doubts as to the expediency of the plan suggested by this magistrate. One of the chief duties of the conservators of the peace is to protect property from depredation. If the building of any receptacle for goods be the best mode of accomplishing that end, then it falls within the constitutional objects of the institution, though it forms no part of their duty to make such erections merely for the preservation of the goods from injuries of the weather. We may, however, adduce these opinions of the merchants and justices of the peace in illustration of the consequences of the dereliction of constitutional principles, and the abandonment of the general interests of the community, which it should be the business of the general government rather than of the people of any narrow class or locality to protect. If the principle of self-protection were applied to the class of lives and property in question, it would be found that it could only be carried out at an expense impracticable to realise; but, on the supposition that it could be realised, ruinous to the merchant or enormously costly to the customer, including those in the locality, by the merchants providing a distinct police force round the whole of the coast, and by the erection, at the merchants' expense, of depôts for goods, wherever it is probable, or possible, that a ship may be wrecked. Whatever might be the strength of the interests of merchants in the prevention of depredations, their means of prevention, even at a ruinous expense, would, after all, be imperfect. But as already indicated in the evidence cited, the merchants of Liverpool wanted adequate inducements, as well as means, to meet the proposition of the magistrates of Cheshire, and resort to the principle of self-protection. The merchants are protected from loss by insurance; the cost of insurance falls upon the freight, and the cost of the freight upon the consumers. The loss, therefore, is hidden in the cost to the consumer, and diffused amidst the community at large. It has been strongly stated in the evidence before the committee of the House of Commons which inquired into the causes of shipwreck, that relief from responsibility or care, by marine insurance, operates on the ship as well as the cargo, in producing carelessness as to the seaworthiness of the vessels, as well as to the choice of trustworthy hands,—it operates to the expense of the lives of the crews and passengers, who are, by the dereliction of the constitutional principle of administration, thus left, not only without protection, but exposed to destructive causes of negative security.

§ 62. It is true that the state of interests of the particular underwriters for the vessel, after it has been wrecked, differs from the

state of the interests of the merchants, who are indemnified by insurance; but we are informed that when a wreck is made known to the underwriters, necessarily some time after its occurrence, and the vessel has gone to pieces, they deem the probability of a total loss, from plunder as well as from the elements, so great, that the probable residue is rarely thought worth the expense of sending any special agency for its protection.

§ 63. Though the principle of self-protection is erroneous, and is proved to be inadequate as a chief principle of legislation, yet we are by no means inclined to recommend the adoption of any opposite principle to the exclusion of private care or self-reliance. On the contrary, we consider, and shall show, that it forms the business of every efficient preventive institution to stimulate private care, and to promote self-reliance, to every practicable extent, by warning and instruction, as well as by direct aid. We conceive that any general public agency can only perform one part in the work of prevention, and that for entire prevention the early principle of law, of private responsibility to the community at large for injuries done to the life, limb, or property of any member of the community, should be restored and practically applied. In other words, the ancient policy of the law should be pursued of concentrating responsibility in those who have the best means of preventing mischief; and we consider that in the class of cases before us the use of insurance should be so guarded as not to allow it to supersede that policy. In illustration of the efficiency of its application, we may mention that some years ago, when it was the practice to send out convicts or emigrants on the usual payment of passage-money for each of the number *embarked*, the most was made by the shippers of the space in the vessel; little attention was paid to the health or convenience of the passengers, and the voyages made on these conditions were marked by a frightful average of sickness and mortality. But after the failure of complex regulations, the happy expedient was adopted of contracting for the transport of the emigrants, or convicts on the condition of payment being made only per head on the number *landed* alive. By thus determining the interests of the parties who had the best means of preventing mischief, their attention was closely directed to the proper objects. Careful provision was made for space, for food, for warmth, ventilation, cleanliness, and exercise; proper medical officers were procured and made responsible by the shippers for the due application of these essentials to life and health; and the voyage became, under the operation of this simple change of contract, distinguished often by a less amount of sickness and mortality than usually prevails amongst an equal number of persons of the same condition when living at home. We have had striking instances presented to us of very opposite results produced where reliance has been placed exclusively on character and respectability of the officers commanding transports chartered for the conveyance of emigrants as compared with

the results obtained where passengers have been sent out under officers of a lower class and of less pay, but made responsible in the manner described. We believe that the general application of the policy of the law and the concentration of responsibility by such means as those described,—by rendering the shippers liable to return all passage money, any contracts to the contrary notwithstanding, and to make reparation, in the way of compensation to survivors rather than in the shape of deodands to the Crown, would do more for the general prevention of calamities, of losses of life and property by shipwreck, or of the formation of habits of depredation, than the most complex pre-appointed regulations, enforced by an army of inspectors and police, such as have been recommended for the purpose. We might, were it not too far from our province, display at length the extent to which the practice of insurance has overgrown many of the salutary responsibilities contemplated by the law. What we have stated may suffice to show the extensive collateral aids required by a preventive agency, and the comprehensive yet practical measures which would be required for the effectual prevention of crime. Whatever reduction in the number of calamities by loss of life or property might be produced by the extended application of the principle we have stated, there would, doubtless, be many which no means existing, or discoverable by any foresight could avert. A large proportion of the calamities of shipwreck and occasions of plunder befall the ships and crews of foreign nations who trade in the ports of the empire. For these cases, as well as for the protection of the lives and property of those of your Majesty's subjects engaged in the commerce of the country, it appears to us that an efficient constabulary force, immediately dependent on the Crown, is required to give that security which the local authorities, private individuals, and voluntary associations, have each failed to afford.

§ 64. We have stated the nature of the evidence as to the state of general insecurity of person and property, arising from the *migratory* bodies of habitual depredators and other offenders against the laws; and we have shown the general inadequacy of the security provided against offenders who are *resident* within the rural districts. We have shown in what manner the condition of peaceable inhabitants is frequently impaired by the impunity of those classes, as well as by infractions of their rights by other classes of wrongdoers. We have displayed the state of insecurity of single travellers on the main roads, and of property *in transitu* on canals, and the inadequacy of the protection received by strangers, or by your Majesty's subjects on the coast within the province of inquiry. But we wish it to be distinctly understood, that the courses of depredation on such property are given, and are, in fact, only instances of habits of depredation to which the property and productive industry of the country are exposed. We have related those instances to show the inadequacy of the motives

within the locality, or even of the owners of property, to ensure its protection or the prevention of crime. We shall give more full information with respect to habitual depredations of property in the evidence we shall cite to show the general causes of these species of crimes, and state what appear to be the available means for their prevention. We may observe that the evidence, as to the state of several districts described in our report, was taken at various times, since which much fluctuation and change may have occurred, attended with temporary abatement in some districts, and, as we learn, with an increase of disorder in others.

If the general tenor of the evidence we have cited on these topics should appear to be derived from extraordinary cases, we would point the attention of Your Majesty to the fact already stated which might almost have stood in the place of any other general statements; that the number of commitments to the prisons in England and Wales amounts to an average of upwards of 100,000 annually! that the prisons are constantly supplied with a criminal population changed from five to seven times a-year, and varying at particular periods from 12,000 to 20,000 offenders from the able-bodied classes of the population. The greater proportion of the population who thus pass through the gaols are habitual depredators, who have been at large following their practices during an average of from two to five or six years of impunity. When an estimate is attempted to be formed of the amount of crimes which the many inmates of the gaols must commit in order to obtain a livelihood during the period they are at large, it will be seen how insufficient, at least as respects the crimes against property, must be any descriptions which we could give within the space of our report, to convey an adequate conception of the real extent of the crimes committed, and of the consequent insecurity of person and property.

§ 65. We have investigated the origin of the great mass of crimes committed for the sake of property, and we find the whole ascribable to one common cause, namely, the temptations of the profit of a career of depredation, as compared with the profits of honest and even well paid industry; and these temptations appear to us to arise from the absence of appropriate and practicable arrangements by means of a constabulary, such as forms the main subject of our inquiry. The notion that any considerable proportion of the crimes against property are caused by blameless poverty or destitution we find disproved at every step. The tenor of the evidence on this subject is conveyed in such testimony as that of the following. We cite that of Mr. Wontner, the late governor of Newgate, although it has already been before the public:—

Of the criminals who came under your care, what proportion, so far as your experience will enable you to state, were by the *immediate pressure of want* impelled to the commission of crime? By want is meant, the absence of the means of subsistence, and not the want arising from

indolence and an impatience of steady labour?—According to the best of my observation, scarcely one-eighth. This is my conclusion, not only from my observations in the office of governor of this gaol, where we see more than can be seen in court of the state of each case, but from six years' experience as one of the marshals of the city, having the direction of a large body of the police, and seeing more than can be seen by the governor of a prison.

Of the criminals thus impelled to the commission of crime by the immediate pressure of want, what proportion, according to the best of your experience, were previously reduced to want by heedlessness, indolence, and not by causes beyond the reach of common prudence to avert?—When we inquire into the class of cases to which the last answer refers, we generally find that the criminals have had situations and profitable labour, but have lost them in consequence of indolence, inattention, or dissipation, or habitual drunkenness, or association with bad females. If we could thoroughly examine the whole of this class of cases, I feel confident that we should find that not one-thirtieth of the whole class of cases brought here are free from imputation of misconduct, or can be said to result entirely from blameless want. The cases of juvenile offenders, from nine to thirteen years of age, arise partly from the difficulty of obtaining employment for children of those ages, partly from the want of the power of superintendence of parents, who, being in employment themselves, have not the power to look after their children; and in a far greater proportion from the criminal neglect and example of parents.

Mr. Chesterton states—

I directed a very intelligent yardsman, and one who had never, I believe, wilfully misled me, to inquire into the habits and circumstances of all in the yard (60 prisoners), and the result was that he could not point out one who appeared to have been urged by want to commit theft.

Mr. Bruges, the governor of Knutsford Gaol, in answer to similar inquiries, stated—

In the whole course of my experience, during twenty-two years as an officer and as a governor of a prison, I never met with a case where a poor but honest, hard-working inhabitant of any place has been driven into crime by the pressure of distress. On going to apprehend a man, I have found an appearance of great wretchedness in his wife and family, or about his house; but she has commonly exclaimed that none of these things would have come about if it had not been for his habits of drinking or keeping company with So-and-so, who were bad characters.

Within the time of your service there have been periods of very severe manufacturing distress: does your observation include those periods?—It does.

The testimony of the best-informed witnesses is to the same tenor.

The inquiries made by the most experienced officers into the causes of vagrancy manifest that in all but three or four per cent. of cases, the prevalent cause was the impatience of steady

labour, and the profit gained in consequence of the impunity in illegal courses. And this three or four per cent. of cases are not cases in which blameless poverty is manifest as the cause, but cases in which the causes have escaped investigation. This fact is established by the general testimony of the governors of prisons throughout England and Wales. (Report on Vagrancy, Parl. Sess. 1834, No. 44.)

Very few of the depredators themselves allege even temporary distress as an immediate cause of their crime; and when that distress is closely examined, it is found to have originated in misconduct. The confessions are generally of the following tenor:—

Her mother beat her, and she said she was old enough to take care of herself without being beat; she kept getting her things together and then went off; did not know whether to come back or not. Did not like work, and therefore must steal to maintain herself; when she left home did not mean to work any more at all.—E—— R——, aged 24. Domestic servant at the age of 16. Liverpool.

I have lost more than my wages in play at the Tom and Jerry; I have had to steal to pay my losings. I never liked the factory, and having once got a gait of thieving, I have kept from my work for weeks together, brought my day's meat with me in the morning, put cotton on my clothes to deceive my mother, and took my week's wages home on Saturday night as if I had been working. The money I took home was part of my earnings by stealing.—G—— A——, aged 19.

My first offence was getting money to go to Eccles wakes. Being enticed off with other lads and going shares with them, I was obliged to steal as well as them.—J—— E——, aged 16. Employed in a silk factory.

I was much addicted to liquor. Being employed in the warehouse of Messrs. Barrs and Hands, I was persuaded to rob them. It was six months before I could be brought to consent; I had good wages; but for this temptation should have been satisfied, as I was well respected by my employers and others. I was induced to commit other offences, having been corrupted by long imprisonment and consequent evil communication. I should not have fallen so easily again into dishonest practices had my term of imprisonment been a month or two instead of a year.—J—— S——, aged 45. Gunlock filer.

About 12 months ago I had no work to do, and tried to snare a hare, but was taken and sent to prison.—J—— S——, aged 20. Farm servant.

Being fond of a gun, I would rather have gone poaching than gone to my bed.—J—— B——, aged 22. Farm servant.

My first offence was robbing an orchard, not from distress, but from temptation.—W—— C——, aged 22. Labourer.

My being of a gay turn of mind and given to pleasure, and my not being in the way to get a sufficient supply, I was induced to buy smuggled goods to obtain money.—G—— K——, aged 30. Hawker. London thief.

Associating with girls of ill fame, and keeping bad company.—G—— J——, aged 32. London thief.

Through distress, occasioned by want of employ, and bad company.—C—— H——, aged 22. London thief.

It was not from distress but to gratify my inclination.—G—— S——, aged 20. London thief.

The general cause of crime, developed by such evidence as that cited, indicates the general remedy in such preventive measures as may render the career of depredation less profitable, and it has been proved that such measures may be carried out by a trained and well-conducted agency.

We should fail in our duty if we did not endeavour to call especial attention to the general state of some of the manufacturing districts, in respect to the arrangements for the protection of manufacturing industry from injurious disturbances, which has been presented to us in the most serious aspect as involving the general peace as well as the manufacturing prosperity of the kingdom.

State of Protection of Manufacturing Industry.

Much of the information we have received from the manufacturing districts respecting the state of protection of capital embarked in manufacturing industry, is of the nature of that which has been given in evidence before a Committee of the House of Commons, or has been elicited on the trials in courts of justice for offences committed in connexion with strikes and combinations.

§ 66. We shall avail ourselves of a statement of the principles of the law applicable to this subject contained in the sentence passed by a learned judge on a recent occasion.

Thomas Riddle, an operative cotton-spinner in Glasgow, was indicted to stand trial before the Justiciary Court, for having, along with two other persons, during midnight of 30th June and 1st July, 1837, forcibly broken into the house in which Thomas Donaghey, a fellow cotton-spinner, lodged, and under threats of violence compelled him to swear that he would leave the cotton mill in which he was then working.

Riddle pleaded guilty, and Lord Cockburn, in pronouncing sentence, spoke to this effect.

"Thomas Riddle,—It is impossible not to be sorry, as well as surprised, at seeing a person of your appearance where you are. But you have committed a very great crime; and in order that neither you, nor any body else, may have any pretence for not understanding its atrocity, I shall tell you the facts, as stated in the indictment, to which you have now pleaded guilty.

"The indictment sets forth that you had struck work. But this is not your crime—it is not even a part of it. The law now entitles you, and every man, to strike work when he pleases. Your labour is your own, and you may sell it as you please. So may every other man, by law. Whether there be certain persons who won't let this law be acted upon, we shall see immediately. The indictment also states, that you

struck in concert with a number of other operative cotton-spinners. But this is no part of your crime either. The law not only allows every man to demand what wages he pleases, and to refuse working if he does not get them, but it allows him to arrange, and combine with others, in order that, by concerted strikes, they may make their joint demand more effectual. Masters may combine against workmen, and workmen against masters. By law, the market of labour, like that of capital, is free.—Would that the workmen of this country had always shown themselves worthy of the recent removal of the old restrictions on the power of demanding what wages they chose, and of uniting to enforce this demand!

"But your crime is this,—namely, that you, along with some of your associates, invaded the house in which a person lived who chose to be satisfied with lower wages than you and they were holding out for;—That you did this under the cloud of night, and when the inmates were in bed;—That with sticks and stones, you broke open the door, and even shook bricks from the partition in which it was fixed;—That you threw the inmates into a state of great terror and alarm;—and, That you compelled the workman you were in quest of, 'under terror of personal violence, and in fear of his life,' to 'swear, or promise, that he would leave the cotton mill in which he was then working.' Now, all this is bad; but its chief guilt consists in the motive and object for which it was all done. This object is set forth to have been 'for the wicked and felonious purpose of compelling a workman to leave his employment,' in order that you might thereby give efficacy to your own demand. This is your crime;—That you tried to deprive that man of the disposal of his own particular labour;—That, not content with the liberty of selling your own strength and skill at your pleasure, you denied that liberty to another; and attempted, by violence, to dictate to that man the terms on which he should sell his.

"For this crime,—and for its attendant circumstances,—you are to be transported for seven years. If you think this punishment severe, this can only be because you choose to shut your eyes to the wickedness, and to the plain consequences, of that which you and others have been doing. The labour of a poor man is his principal property; and he who robs him of this makes him a beggar. Yet there are masses of people who set themselves up as dictators of the market of labour, and who have the audacity to band themselves together in defence of this tyranny. These persons not only abstain from working themselves—which the law leaves them at perfect liberty to do—but they proclaim that nobody else shall work for less; and if their insolent mandate be disregarded, they enforce it by violence, and then declare themselves the friends of free trade. How any thing so iniquitous and absurd should ever enter the minds of the educated people of Scotland has always appeared to me incomprehensible.

"But since your case shows that there really are people who cannot be kept right by their own good sense, you, and they, through you, must be kept right by the force of the law. I tell you—or rather, through me, the law tells you—and, through you, it tells all your associates—that tyranny so disgraceful and intolerable, as that of which you have been guilty, will never be submitted to. There is no despotism like it. * * * You are to be transported. For seven years

you are to be an exile, almost a slave. You are going to a country where you will feel the misery which you meant to inflict. You will labour, but it will be by compulsion; and the wages of your labour, if it should bring any, will not be fixed by you, no more than you would let that of the man you assaulted be fixed by him.

§ 67. We set aside the consideration of the operations of trade-clubs, or associations for the purpose of mutual insurance against the casualties of sickness or mortality, as being, in general, meritorious, and we confine our attention to the combinations to enforce illegally, that is to say, by violence, certain rates of wages or modes of labour.

§ 68. It appears to us, from the evidence we have received, that the necessity of suppressing the use of violence resorted to for affecting the objects of any trades' combinations, may generally be determined, exclusively of any interests of master manufacturers or capitalists, simply by a reference to the best interests, as well of the particular body of workmen who are affected by a strike, as of the whole body of labouring men.

§ 69. It appears that the prime movers in the strikes or combinations of the character of those to which we refer as distinguished by the use of violence are never the lowest paid, and are always the highest paid, or the pre-eminent few. Thus in the cotton manufacturing districts it is not the hand-loom weavers, but the spinners and dressers, who have been engaged in strikes marked by the use of violence. It is proved that, in one large manufactory, fifty workmen of this class have the means of stopping the work of fifteen hundred other persons.

§ 70. When trade is brisk, when wages are unduly low, that is, evidently below the market demand, and when the employers possess the means of payment with a remunerating profit, there is seldom any want of unanimity in discontinuing work until more advantageous terms are obtained. It is an indisputable fact, that the wages of manufacturing workmen have generally advanced in prosperous times without the use of factitious means, or physical violence or menaces, just as the wages and condition of the numerous classes of domestic servants have generally advanced throughout the country without concert or combination of any sort. Nor have we seen any evidence in proof of the existence of any peculiar disposition or means on the part of the manufacturing capitalist to "grind" or "oppress" the labourer, or any better justification for the use of such terms, than existed for the exploded prejudices against forestallers, and millers, and bakers, who were wont to be treated as common oppressors, and the authors of scarcity and want, and high prices.

§ 71. It may further be stated, as a fact, that strikes by large bodies of workmen to maintain wages by violence nearly always end injuriously to the working classes. Any rise obtained, or natural reduction averted, is rarely permanent, even with the

small class by whom such results are gained. When wages are factitiously raised beyond the amount which will admit of the produce being disposed of at the same price as before, or that which purchasers are enabled or are willing to give, the consumption of goods is diminished, and with that diminished consumption the amount of wages distributed amongst the whole body of workmen is diminished. So any factitious rise of wages obtained at the expense of the natural profits of the capitalist operates to diminish the motive to invest capital; *i. e.* the motive to maintain the supply of labour, or the demand and consequent competition and price for it to the body of labourers engaged in the occupation.

§ 72. The use of violence to overcome any interest or determination to work on the part of any number of persons employed, affords a well-founded presumption that the interest is a sound one for all those who do not acquiesce in, as well as for those who directly resist compliance with the mandate of the few who direct the strike. We question the soundness of an opinion that has been expressed, that strikes are of service in sustaining skilled labourers, or an "aristocracy" of skilled labourers. The persons who can profit by a strike are not necessarily the most skilled; but those whose position enables them to stop a great number of other labourers, though many of these may be more skilled than the strikers. The direct tendency of the minor measures attempted to be enforced by strikes is, we find, to sustain idleness, and to depress skill. One common object of such strikes is to deprive the capitalist of his free choice of agents for the employment of capital by forcing upon him a selection of workmen according to a rotation, without reference to individual skill or conduct. The effect of this measure is to abate all motives to pre-eminent skill or good conduct, by putting the skilled and the unskilled, the good and the bad, upon a level. Another measure, the prohibition of piece-work, or work paid according to the quantity or quality performed, is of the like tendency, putting the industrious and able on the same footing as the indolent and incapable. It may be confidently stated that success in these and other of their leading objects would be most injurious to the workmen themselves. Whereas such mischiefs have not been manifested by the partial success of such measures, it will be found that in reality they have been evaded, and that all they have effected has been much inconvenience, and the demoralization consequent on clandestine habits, secret agreements, and falsehoods to cover them. Such measures are peculiarly liable to be generated by the animosities of single individuals, or of small numbers of individuals. The toleration of force, or the inadequate suppression of its use by the combiners, places the majority of workmen at the mercy of a few, and puts despotisms of the worst ort in the place of all law.

§ 73. Protection to the use of machinery is protection to the great source of the manufacturing prosperity of the country: protection to the introduction of new machinery is protection to the means of advancing that prosperity, as well as the great security against the increasing dangers of foreign competition. It will be found that the number of workmen employed at good wages, and the amount of wages distributed, has increased with the increase of machinery. But whilst the use of machinery is conducive to the largest interests of the community, it must be admitted that the improvement of machinery has in a few instances, and generally for short periods, been prejudicial to the interests of particular bodies of workmen, as well as of particular manufacturers.

§ 74. The need of an efficient police for the protection of the greater interests of the community of labourers against violence, is, we conceive, the most strikingly exemplified by the evidence with relation to the manufactures of Norwich, collected under the Hand Loom Commission of Inquiry by Dr. James Mitchell.

We select the case of this city as illustrative of the effects of measures of combination of a description viewed most indulgently, namely, measures to prevent the reduction of wages.

In the time of the war, the scale of prices had been raised, and in 1829, when the prices of the necessaries of life had been reduced, the manufacturers being undersold in the market, and as the trade was leaving Norwich, found it necessary to reduce wages. There was therefore a private meeting of the manufacturers, at which it was agreed that the price of bombazines, for which 1*s.* 3*d.* had been paid, should be reduced to 1*s.*, and so on in proportion with other fabrics. This was strenuously resisted by the weavers, who made a general strike, and several manufacturers suffered personal outrage. Mr. Henry Willett, a magistrate of the city, and a very large manufacturer, in reply to a question whether he had not suffered himself, says,—

I consider that all the manufacturers who took an openly active part in this reduction were in considerable personal danger. I was myself, on returning from my warehouse to my dwelling-house, attacked by a multitude of several hundreds, and, but for the assistance rendered to me by the Rev. Prebendary Wodehouse, my life would probably have fallen a sacrifice. I got into a court with a narrow entrance to it, and Mr. Prebendary Wodehouse placed himself at the entrance and addressed the people, whilst I made my escape. But I could not return to my own house until a strong police force came to my assistance. In the course of that day the military had to be called out; even at my own door a large stone was thrown at me, which might have proved very serious. Colonel Harvey, a magistrate, who was with me, was struck by a stone. Mr. Wright, who, with me and others, took an active part in this reduction, was waylaid, and vitriol was thrown into his face, and that gentleman thereby lost the use of his right eye. The rest of the manu-

facturers endeavoured to throw the blame on us, although many of them approved of the reduction, and were parties to it. The reduction, notwithstanding all this, was effected; the masters feeling that they must either obtain the reduction or abandon the trade.

Mr. John Wright, referred to in the preceding evidence, when he was seen by the assistant commissioner, had on a large green shade, which he usually wears, and which completely hides his right eye. He was reluctant to give evidence; and the assistant commissioner thought it would be unfeeling to have asked him to do so. Many of the manufacturers most readily explained the state of dread under which they lived, but were unwilling to appear as witnesses. There were, however, two manufacturers at Norwich who had greater courage than the rest,—Mr. Samuel Daynes and Mr. John Clarke.

The former of these witnesses states,—

In 1831, a man who came in from the country for work, and was considered as doing it under the union price, was waylaid about five miles from Norwich, and dreadfully beaten with hurdles from the hedge, and was left on the ground; after they had left him, one of the miscreants turned back and endeavoured to pour vitriol into his ear. Some of the liquid ran down into his eye, and he lost the sight of it. Some goods, supposed to be Mr. Wright's, were stopped last winter, and a cart in this very street, before my own door, was stopped, and a committeeman got up into it, and but for the interference of the police, it would have been carried off.

Mr. Daynes states,—

That there has been no open riot for the last five years, since the present committee came into power. They chiefly direct their efforts to prevent any weavers in Norwich from working below the list prices, and to prevent any goods being sent out of Norwich to be wove in the country. One of the methods adopted is to wait upon the weavers as soon as they hear of any being employed below what they consider the list price, and to dissuade them from continuing their work. They also wait on the manufacturer, and in addition send him an admonitory letter. Further, they set a watch round his house, to see who goes out and in. Work is also cut and destroyed.

The evidence of Mr. John Clarke will explain this system.

Do you consider that the Norwich manufacturers can give the present list prices, and at the same time withstand the competition of Kidderminster, and the towns in the north?—I do not think we can; but we have also to stand the competition amongst ourselves. I held out for the list prices as long as I could. In 1832, soon after I commenced business, overseers of parishes came to me and offered to take my work and get it done below the Norwich prices, but I was unwilling to do so; but last summer, finding it impossible longer to hold out, I called my weavers together, and explained to them the state of things, and that I must either reduce the wages in Norwich, or send my work into the country. About Christmas last applications were made to me for work below the list prices, and I gave some out.

What was the consequence?—Some of my people went and told the

union committee, and soon after Mr. Fish, and a committee-man, came to me and charged me with destroying their prices, and said "We warn you to desist." I said to them, "I warn you to go down stairs." This was on Tuesday the 30th of January last. The next day Mr. Fish came to me with a letter, which I now show to you. The last words are, "Our every legal energy will therefore, and therefore only, be directed to oppose you in every shape." They then called my hands together, and tried to operate on their minds. I went to the magistrates and told them that I had no doubt some of my work was likely to be cut, or destroyed. Soon after I had a letter, which I now show you, signed by thirteen of my workpeople, and with nineteen names of other workpeople, with crosses after them, declaring that they would not work for me. I took this letter to the magistrates, but I could not get redress, and the same night two pieces of work were cut, but I could get no redress. They said I must prove the act of cutting against some one individual, or they could not interfere. The man who had my work was at the Turkey Cock, kept by Mr. Fish, and his wife in the evening went out leaving the candle burning, and did not come back for three hours, and then said that she found the work cut on her return. The magistrates refused to remand her, or otherwise I should have been able to get additional evidence.

I have been told that your premises were watched?—Such was the case from February 8th to Saturday April 7th, the night before your arrival in Norwich. They knew of your coming. Whether they will again lay my premises under blockade after that you are gone, I know not.

How did their watchmen conduct themselves?—They stopped my hands, and advised them to carry back their work. Whenever I went out, they sent some one to follow me to see to what places I went, and with whom I transacted business. One day they followed a cart of mine going with goods about the city; I managed to get it out of their way. Next Friday they followed a cart five miles out into the country; a country magistrate saw it, and sent a policeman, who took one of them into custody. That magistrate sent for me and told me that, as soon as my property got out of the county of the city of Norwich, and into the county of Norfolk, he should use means to protect it, but I have met with no offers of protection from our magistrates, nor do I expect any. I have been obliged to send out my work by night, and that with considerable risk.

Mr. Daynes gives evidence in perfect accordance with that of Mr. Clarke.

It was formerly very dangerous to send any work to the country; it was likely to be destroyed, and, in fact, goods have been destroyed. That occurred to some of my own, in common with many others; I have been greatly interfered with in my business, of which I can state one remarkable instance. In London I was asked if I could make bandanas, and I made a sample and stated at what price I could manufacture them; I, in consequence, had an order for one hundred pieces. Soon after I began the work, a deputation of the union waited upon me with a request that I would raise my wages 2*d.* a-yard, as Mr. Francis had done. I told them that I had taken the order in expectation of accomplishing it at a certain price, which I had ascertained by inquiry

among the weavers, and I could not afford to give more under that order. The union then told my weavers to give over working for me, and some of them sent in their work and went on the parish. However I persisted, and last winter, many being out of work, I had less difficulty in succeeding. From the first my own weavers were content, and why should the union interfere? Some manufacturers, in consequence of the union, have got their bandanas made at Sudbury.

An admonitory letter to Mr. Daynes from the union concludes as follows:—

"With feelings strongly inclined for satisfactory and mutual agreement, we send this earnest request, that you will consider the propriety of paying according to the list agreed to and generally recognized of prices, as we shall, as in duty bound to paying masters and operatives, use, however unpleasantly, all legal means in opposition to your proceedings.

We remain,
Sir,
Yours, &c.,
The Weavers' Committee,
(Signed) R. Warnett, Chairman,
Hole-in-the-Wall, S. Fish, jun., Secretary.
St. John's, Madder Market."

The manufacturers do all that they can to escape the "legal means" of the union, and get their work sent into the country. Mr. Daynes states,—

They adopt fifty methods, just as if they are smuggling. The work will be packed up as it were finished goods going to London; sometimes it is put into boxes like tea boxes, and other disguises are adopted. The work is also sent off by night, or on Sunday mornings, at such times as it is thought the weavers are not on the watch.

Do they conduct their business so systematically as to support a watch?—Certainly they do.

At the Mechanics' Institution, about a fortnight ago, 22d March last, I put certain questions to Mr. Fish, the Secretary of the Weavers' Union, and I have a copy of them and of the answers. Witness handed in a copy, from which the following is an extract:—

Do you employ or pay a police or watch?—We do. For what purpose?—To watch who go in and out of the premises of Mr. Clarke, and to advise them not to touch that unclean thing called underprice work, and to avoid his premises as they would a plague. How much do you pay them?—Fourpence per day. Any other remuneration?—Yes, the persons employed to watch are persons who have been victimized by Mr. Clarke, and have an allowance of 8*s.* per week, besides the 4*d.* per day.

Were many persons present when Mr. Fish gave those answers to your questions?—From two to three hundred; Mr. Fish had previously been excited by the discussion, and he gave his answers very resolutely, and without any hesitation.

From which you may infer that Mr. Fish, and his associates of the union, have so familiarized their minds to their proceedings, that they

have lost all idea of their illegality, and of their impropriety?—Most certainly; Mr. F. has told me they considered it legal.

Do you know, from observation yourself, that a watch has for some weeks actually been set?—It is quite notorious, and I have seen them myself. A manufacturer, of whose honour I can entertain no doubt, has informed me that he saw the watch, and heard one man say to the others, "B—— his eyes, serve him out with vitriol, as they did to John Wright, but instead of putting out one eye, put out both."

Do you consider that many of the manufacturers are under feelings of dread of personal violence?—Most certainly they are, and I have no doubt that many of them have told you so, although they dread to come forward and sign evidence to that effect.

The conduct of the union, in a dispute respecting one fabric, will be seen by the following narrative of Mr. Robberds, a manufacturer of Norwich:—

Having ascertained that manufacturers in other parts of the kingdom were selling camlets at lower prices than I could charge, and that they were enabled to do this by the lower rate of wages which they paid for weaving, I announced to my weavers, about the middle of last May, that from that time I should reduce the scale by which they were paid. Soon after I had taken this step, some men, styling themselves a deputation from the Weavers' Committee, came to speak to me on the subject. I inquired if they were camlet weavers, and having been answered in the negative, I stated that I had nothing to say to them, and would hear nothing from them; that I knew of no Weavers' Committee; that the regulation of wages was a question to be decided between me and my workmen, and that I should allow no other parties to interfere. On this they withdrew, and I afterwards agreed to explain to two of my weavers, attended by a third person, the circumstances which rendered the proposed alteration necessary.

The rate of wages which I offered is still considerably higher than that given to the hand-loom weavers of Yorkshire, whose average earnings are not more than 12*s*. a-week, while, at my reduced rate, regular and industrious workmen can bring in from 15*s*. to 20*s*. per week, and their wives and sons (of a competent age) from 12*s*. to 15*s*. more.

The committee, however, although there were no camlet weavers among them, would not allow my hands to take my work. A watch was stationed from six in the morning till twelve at night at each end of the street on which my manufactory is situated, to observe all that was done, and to intimidate those who were willing to take work. There were many who stated, both to me and others, that they were anxious to be employed, but dared not, on account of the threats used against them. At length a few ventured to brave the danger; but some, as they were carrying away their work, were assailed in the open streets, and forced to bring it back: others, who reached their homes in safety, were there beset by riotous mobs, and compelled to return the materials unwrought; and in two instances houses where the work was in progress were broken open during the night, and the goods destroyed on the loom.

Wherever I could obtain sufficient evidence, the offenders were taken

before the magistrates, and in most of these cases the committee undertook their defence. Some of the parties were convicted of assaults, and fined, but the fines were immediately paid (no doubt by the committee) and the parties at liberty to repeat the same outrages. Some underwent short terms of imprisonment, and others were bound over to keep the peace, which they were among the first to break. Six of the watchers were summoned before the magistrates on a charge of obstructing my business. The evidence against them was clear, they were informed that the charge was proved, but were recommended to acknowledge their error, and to promise that the system of watching should be discontinued. They agreed to this, and the case was adjourned for a month. But this produced no good effect, the watching was continued as before; I therefore summoned three others on the same charge. The case was proved, and the men were bound over to appear at the assizes to answer an indictment against them for a conspiracy. All these proceedings were of no avail: intimidation and violence, escaping thus almost with impunity, were carried to greater lengths. The dispute began to be rendered subservient to the purposes of party. One of the most useful members of the court of Guardians was turned out by the parish which he represented, because he disapproved of the conduct of the weavers; and candidates for municipal honours sought to acquire popularity by courting the promoters of these disturbances. Subscriptions were collected for their support, to which publicans and small tradesmen were the principal contributors, some deluded by the idea that a high rate of wages would enable the working classes to spend more freely, and others influenced by the fear of becoming marked men, and losing their customers. Those who refused to give any money, or in any manner discountenanced the proceedings of the weavers, were abused as *under price* men, and every possible effort was made to injure them in their business. Thus encouraged, the committee issued hand-bills, announcing that they had sufficient funds to maintain the camlet weavers for several months, and it was generally understood that they received an allowance of 3*s*. each per week.

In the mean time I had commenced preparations for making my camlet by the power-loom, and passed some weeks in Yorkshire for that purpose. On my return from that district, towards the end of August, I found my weavers generally dissatisfied with the conduct of the committee, and severely pinched by starving so long on 3*s*. per week, when they might have been earning at least five times as much. Many of them applied to me for work. I told them I should give them none unless they went publicly to the magistrates, stating that they were willing to be employed on my terms, and claiming efficient protection for themselves and the materials intrusted to them. They at once complied with these conditions, and an additional police force was engaged to guard both by day and night the houses of those who might take work. But before these arrangements were completed, a body of nine or ten men attacked the house of a weaver named Wells, about 12 o'clock in the night of the 28th of August. Having broken open the outer door, they forced an entrance into the room where the man and his family slept, and in which was also his loom. There, while one of them stood over him with a pistol and threatened to shoot him, some of the others totally destroyed his work; but before they could

extinguish a candle, which the wife had lighted on the first alarm, two of them, named English and Engall, were recognized, and both were apprehended during the night. On the following day they were fully committed, and bail refused for them. Both of them are sons of publicans. English had been a notorious leader in all tumults, and his father's house the head-quarters, where some of the most active were always in attendance to receive information, to issue orders, and distribute drink. The apprehension of these two men and the vigilant observation of the police produced an immediate calm. More weavers than I could employ came for work, and those who obtained it have been unmolested. My business is now proceeding quietly on my own terms, and offers have been made me to take even lower wages than I am paying.

But the consequences of these proceedings have been very injurious to the working classes. Not only have they lost the circulation among them of at least £1,000 in wages, but three months of idleness and delusive excitement have deteriorated all their habits. Many of them will never recover from the effects of their privations. One old man who had for many years maintained himself decently, and for whom I had ordered work, came to thank me for it, but he added, 'I must give up. I have been obliged to sell everything, and starvation has brought me so low that I can do no more. I must go home to my parish, and for this I have to thank the silk weavers' committee.'

The necessary and inevitable result of such transactions will, however, be the introduction of the power-loom into this city. Should the hand-loom weavers suffer from this, they will only reap the fruits of their own folly; but should they meet the change in a proper spirit, and should their masters carry it through with the requisite energy, it will give a new impulse to our now declining industry, and, by a judicious improvement of our natural advantages, Norwich may again become what it once was—the principal seat of the worsted trade.

§ 75. The Assistant Commissioner reports that the unhappy results of the violent conduct of the union, and the want of such a government and police force as would restrain such violent conduct, have been—

1. The prevention of the introduction of machinery into the city.
2. The prevention of the introduction of capital.
3. The loss of many fabrics.

§ 76. As to the prevention of the introduction of machinery, Mr. Stark has given distinct evidence on this subject. Mr. Dodshen Blake, manager of the yarn-factory, is of opinion that machinery would have been introduced long ago, and with great advantage, but for the mistaken views of the operative weavers. He is of opinion that to machinery the city must in future look for its prosperity.

Mr. James Spalding, an operative, states,—

One great cause of the distress in Norwich is the folly of the people in objecting to machinery. I know that capital has been driven out of our city by it, which would have employed hundreds.

§ 77. The weavers' committee manifest no tolerance towards any of their number who oppose their views. "Woe to the committee-man who gives advice not in accordance with the opinion of the majority. I was turned out," says Mr. Spalding, "because I differed in opinion from them. There were five or six of us who firmly declared our sentiments. They said we were free-traders, and plumped us right out." By being a "free-trader" is understood in Norwich to be a person opposed to a fixed rate of wages, and desirous of leaving employer and employed in freedom to make their own arrangements.

§ 78. Of the manner in which fabrics are driven from the city we have already had several instances. The following is a case stated by Mr. Hastings. Being asked whether he knew of any fabric having been lost by the conduct of the union, he replies,

The lastings is one fabric, being that of which the upper part of ladies' shoes is made. When I was at Mr. Theobald's I wanted to introduce lastings, and to give the same price as paid in Yorkshire; and we wrote to Yorkshire to know what was paid there. It was only 12*s.* 6*d.* a-piece. We were willing to take a shilling off our profit and add it to the wages, and we gave out the work at 13*s.* 6*d.*, and more we could not afford to give. Mr. Fish told my master that the weavers should not work for any such money, and the men were deterred, and brought the work back. The effect is that no lastings are now made in Norwich. That is one branch lost to us. The fact is, that Halifax is carrying off some of the best of the Norwich trade. The goods are made there as well as with us, and are sent to Norwich to be dyed, and then sent abroad. They cannot equal us in dyeing. If we cannot manufacture at such a price as to meet them, the consequence necessarily follows, that we lose the trade. I was threatened to be shot in the streets for giving out the lastings at the price which we offered.

These effects are more fully illustrated in the following examination of an eminent gentleman of Norwich, Mr. William Stark:—

You have, it is stated to us, lately visited the manufacturing districts of Yorkshire?—I have, and paid particular attention to the productions of Leeds, Halifax, and Bradford.

Did you observe any articles manufactured there which are now or were formerly exclusively confined to Norwich?—I observed many in Halifax, they were making a great many broad bombazines, which a few years since were entirely confined to Norwich, and a very considerable trade was carried on in them between this city and various parts of Spain and Portugal. They were making lastings, damasks, challis, &c. in great abundance. The manufactory of all these was some years ago confined to Norwich. Camlets also (the great staple article of the Norwich manufactures) are made at Halifax, and many or most of them by steam-power.

We are informed that the camlets made in Norwich are very superior to those made in Yorkshire by steam-power?—They certainly are, but the Yorkshire ones are made so much cheaper, and are sent out at prices so much lower than those which are manufactured at Norwich,

that they have to a considerable extent superseded them in some of the foreign markets. The Norwich camlets are still much preferred in China, and were always purchased by the East India Company in preference to all others to supply that market; since the trade to China has been thrown open, however, many merchants have shipped Yorkshire camlets to a very great extent, and pushed a trade in them to the exclusion of the superior Norwich fabric.

Are other places in Yorkshire producing manufactures generally called "Norwich articles?"—Yes, Leeds is doing a considerable business in camlets, and at Bradford almost every article which originated in Norwich, and at one time was considered as exclusively confined to it, is now making. For instance, camlets, lastings, damasks, princettas, bombazines, challis, &c.

This we presume arises on account of these articles being produced cheaper in the places you have named, how is this affected?—I conceive entirely by the adoption of machinery for their production, against the use of which there is a very foolish and erroneous feeling in Norwich. Had we kept pace with the improvements of the age, we might still have retained our business, and been in a flourishing condition at this moment; but we have constantly been embroiled in petty, paltry, local, political contentions; and certain parties, who ought to have devoted their talents and property to the improvement of the trade of the city, have given up their time to these virulent and useless broils, and suffered its main supports to be dragged away bit by bit, till now scarcely any thing remains.

Do you think that the introduction into your city of the advantages which other places you have named possess would restore its trade?—I see no reason on earth why it should not. We have talent of every kind suitable to the advances of the manufactory, we have the most careful and ingenious weavers, and I believe they are quite equal to the production of any fabric.

Do you consider that the use of machinery, as applied to the manufacture of camlets, merinos, and such fabrics, is of advantage to the public?—As to its ultimate beneficial effects, considered as a general question, I am not able to form an opinion, but as to the great advantages which accrue to those places where machinery is adopted over those where it is not in use for the purposes of producing the articles I have named, there cannot be the slightest doubt. The loss of our manufactures has arisen principally, probably entirely, from the use of machinery for their production, and I see no possibility of their being restored to us till the same means are adopted here. There is one thing which particularly struck me in visiting the towns where machinery was most in use, and that is the excellent condition of the labouring people; they were well clothed, well fed, and well employed, and many workmen were pointed out to me who were now making great earnings, and saving money in a factory, who whilst they were hand-loom weavers generally were in a starving state. Whether such a state of things would have been had all remained hand-loom weavers, it is impossible to form a conjecture, but it is now as evident as the sun at noon day, that any place which will not march on with the advances of the age must necessarily retrograde.

On the subject of the preceding evidence in relation to the

city of Norwich, we examined Dr. Mitchell, the Assistant Commissioner.

Besides the witnesses who came forward to sustain the facts stated in your Report, were there any others named to you, or whom you had communication with, who acknowledged the facts, but refused to avow them publicly?—Having had the facts so clearly established by highly respectable witnesses deeply concerned in the prosperity of the town, it did not appear that what was denied by no one needed further corroboration. There were, however, other parties who, in the strongest manner, avowed these facts, but expressed a strong sense of the subjection under which they felt themselves to the hazard of popular violence. They declared that they were "enslaved manufacturers," instead of "master manufacturers," as they were popularly called. One of the first manufacturers in Norwich used this expression.

Were you then told that if there had been protection, machinery would have been introduced into Norwich?—Yes; a partner in one of the largest houses in the kingdom distinctly avowed that, if there had been protection, their house would have established manufacturing machinery in Norwich, as they had done to a large extent in other towns.

§ 79. In addition to the disorders displayed in the evidence cited, others arise from a calamitous infusion of party spirit, which pervades the whole of the society of that town. One of its effects is, that the magistrates, being tradesmen and elective as members of the municipal council, are placed under considerable temptations to bid for popularity to the very lowest of the voters, and, whether justly or not, the general administration of justice is suspected and mistrusted. Manufacturers and persons of all parties appeared to admit that protection to industry was essential to avert the ruin of the town, or to restore its prosperity, and that such protection could be obtained only by the introduction of a well-organized police or constabulary under independent control. We have strong grounds for believing that leading men of all parties in Norwich would rejoice at the introduction of a well-organized and efficiently-directed police. Amidst party conflicts, the metropolitan police has received the thanks of both conflicting parties. But in Norwich neither party would dare to apply for such a force, as either would be sure to make it a grievance and a ground of unpopularity with the lower class of voters against the other which had been the means of introducing it. Within the town there was not only no body of persons free from distrust on account of party spirit, but scarcely any free from distrust on account of manufacturing jealousy. A magistrate, who was a manufacturer, or a bench of such magistrates, could scarcely be expected to direct a constabulary efficiently, for the protection of new machinery, introduced by a competitor, by whom they would be outstripped.

§ 80. The power afforded for bad purposes to combinations

of workmen, by the absence of proper legal protection, is also afforded to combinations of masters, or rather particular masters; for, in general, combinations of masters are less durable than combinations of workmen. Though the masters possess facilities for combination, in being fewer in number and in being enabled to take their measures with more secrecy and security, these inducements are more than counterbalanced by the concentration and greater strength of their opposing interests. In the Report of the Factory Commissioners, evidence will be found of the readiness with which some of the owners of one description of machinery were prepared to sacrifice the interests, or property, of the owners of another description of machinery,—of the readiness with which the owners of steam-power, for example, were ready to cripple and destroy the capital of the owners of machinery moved by water-power, and of the promptitude with which the owners of new machinery were ready to act in favour of limitations which must have impeded, to an important extent, the working of machinery that was old. We have good reason for believing that strikes are sometimes instigated by masters to forward their sinister interests, and that they frequently divert to their own improper purposes strikes originating with the men. We have had it before us in evidence as one of the uses to which strikes are available, that manufacturers, when closely pressed by the competition of "low-priced" manufactures, have discharged their workmen, telling them that until low-priced masters altered their course, no work would be given. The implied intimation has been, that the rival manufacturers were to be checked by violence, and violence has been used. It has, we are assured, been so used against the introduction of new machinery; and two instances have been stated to us where the use of improved machinery has been prevented by violence in one district, and, on such instigation, the capital driven to another. It has also been stated to us, that on the occurrence of ordinary strikes of a whole trade, particular masters, having bribed the leaders of the strikes, have been freed from interruption, and have thus been enabled, for the time, to distance their embarrassed rivals. We have not adduced full evidence as to the illegal proceedings of masters, only because we have found it more difficult to obtain for public use than evidence of the proceedings of the workmen. In what we have stated as to the power generated for such mischievous purposes, in the absence of legal means of protection and the interests in using it, we have shown the dangers of arming rival interests with legal authority, and the necessity of the intervention of a disinterested or superior authority—in other words, of the supreme executive, on all such occasions.

§ 81. Reverting to the case of the city of Norwich, we cannot but concur with the Assistant Commissioner in his review

of the effects of the want of security for industry on the prosperity of this important city of the eastern counties of England.

If the thoughts and energies of the men of Norwich had not been absorbed in the personal conflicts of parties, the town would, long before now, have obtained an efficient and impartially conducted police. Had there been such a police, industry would have been protected from ignorant and unlawful violence. Enterprising men would then have ventured to establish improved machinery in their manufactories. Capital would have had its beneficent operation. The demand for labour, and with it the wages paid, would have been spontaneously maintained or increased. The rate of increase in the population would, in all probability, have been the same as in other manufacturing towns where industry has been comparatively free, and the actual population of this town, instead of being 60,000 or 70,000, would have been 120,000 or 170,000. The vast spaces of ground now empty within the walls, and much land in the vicinity, would have been covered with buildings. The ground would be yielding a rental far greater at present; there would have been many more opulent manufacturers and tradesmen of every description, and Norwich would have been one of the most flourishing towns in the empire.

We have received evidence of the continued operation of the like want of protection in other districts. The following is an example:—

Mr. Robert Orrell.—We are informed that you are a manufacturer?—I am, in the cotton-spinning and spinning-machines to supply them, and manufacturing.

What sized manufactory have you now?—I have 400 power-looms at work.

Where do you reside now?—Near Bolton, at Belmont.

How long have you resided there?—Six years.

How long have you been a manufacturer?—Twenty-three years.

Where did you reside and carry on your manufacture before going to Bolton?—At Stockport.

Will you state to us what were the causes which led to your leaving Stockport?—The combination of the weavers, making demands upon me to pay advances of wages.

Was it a combination of your own workmen?—Generally all the weavers of the country combined together, with delegates all over the country, and making a demand upon me to pay more wages than what was paid in the country, or than I could afford to pay. There was no abatement, nor anything of that kind, to lead to it. But on the Saturday at dinner-time, which is the time when the bulk of the work comes in from the weavers, and we had from 500 to 700 weavers at work, a man came to my place and rang a bell, and collected the weavers round him, and said a meeting would be held at a certain place to state what prices *must* be paid for work.

Who was that man?—I do not know his name. He was a stranger

to all my workmen. We fancied he came from Manchester, sent over; there were persons sent over all the towns, I believe. I was told what price I *must* pay, and I did not think proper to do it. On the Tuesday 70 or 80 of the looms were stripped of their work and carried by men upon their shoulders openly in the streets: those were the looms of the people at their own houses; they had agreed to take the work out at a certain price. Those men who stripped the looms were perfect strangers to the men who were working them. Those men went deliberately to the houses of the weavers and took out the work.

What did they do with it?—The out-door weaving about Stockport is just in the country round about; they went round to Offerton, and, I am not certain but I think, unto Marton, but they carried away part of my work and threw some of it over into the fields. It was found in all directions; but they brought a good lot of it and walked through the streets of Stockport with it. One of the magistrates saw it, and made inquiry about it, and wanted to know what it meant, and he ordered one of the police to follow the men, and they took up four of the ringleaders, and I had to appear against them, and the weavers that had lost their work, and prosecuted them. I think they were imprisoned twelve months for it, and there was not one weaver amongst them. There were no weavers at all; one was a spinner, and another a shoemaker.

This, we are to understand, was entirely an interference of third parties between you and your workmen?—Yes. There was no dissatisfaction whatever on the part of the weavers. I suffered considerable injury, and I said then, after coming from the magistrates' room, I will go over to Bolton; I will give up the trade here, and go into another; and I did so as soon as I could work up my stock. At that time it required a considerable deal of capital to work a thing of that kind, £10,000.

How many men did you give employment to?—I should say from 500 to 700, just as the season is—sometimes busier, sometimes not so busy. It was all in the muslin department.

Those 500 to 700 people you say, who were receiving work at your hands, were perfectly satisfied?—Yes, perfectly satisfied.

And they made no representations to you?—I never heard a complaint.

Did they second, so far as you know, those agitators?—Not a bit of it.

Then you did not think it worth while, for any remuneration to be got from it, to carry on the business subject to those liabilities?—I gave it up.

And then you removed to your present residence twenty miles distant?—Yes, away.

Where you carry on the business of a power-loom weaver?—Yes, a power-loom manufacturer. I gave up the out-door trade.

Was there any force in the town that might have protected you, do you think?—No, I could not see that, because our work was scattered so far, some eight miles from the town. I had a brother at the same time that was a manufacturer; he was manufacturing in Manchester; and one Tuesday, in the afternoon, his looms were stripped in Manchester and brought down High-street to his warehouse: in fact, it caused such an alarm here, that one or two magistrates came up.

And was he similarly stripped by third parties?—To a greater amount. To a considerable more amount of work than I was, and it was by a combination of parties.

Was that by his own workmen?—Not by his own workmen; but by men of this class; by men unknown to his workmen at that time.

Was there dissatisfaction on the part of his workmen at that time?—There was no dissatisfaction on the part of his workmen.

And could he not afford to give more wages than he was then in the habit of giving?—No. In fact he considered his life in danger at one time. They surrounded his house.

If there had been an efficient constabulary, protecting the rural districts, as well as the towns, so as to have prevented an outrage of this kind, would you have considered yourself safe?—I should certainly have considered myself safe. But, at the same time, the trade was being carried on in that way that I found I had no profit from my capital employed.

That is, under those oppressions?—Under those oppressions. I know very well that if I had given it once, they would have been at me again.

That unless you had had the most entire and complete protection you could not have gone on?—I could not.

Do you happen to know any other instances where the employment of capital, besides those that you have stated, has been interrupted by those means?—I will merely relate what occurred to me two years ago last November. My spinners presented me with a list. They had been waited upon by delegates to join a club at Bolton, and they brought me a printed list.—"This is the list, in a fortnight, you are to pay to."

And that without any consideration of what your means of payment were?—Yes. I was then giving for the same work more money than they were giving in the neighbourhoods about either Chorley, Preston, or Blackburn. I found I had no chance. I found my men could be well supported by those clubs. I stood a week, and then was obliged to give the price. I first began to discharge one man and then another, and every time I discharged one I was waited upon by two or three delegates from Bolton to know the reason why he was discharged, and if I had not had a sufficient reason they would have withdrawn all my hands from me and stripped my mill.

All this by third parties?—Yes, by bands not joined more than a month before that.

And you, having gone to a distance in the hope of escaping these interferences of third parties, were nevertheless followed by them?—I was followed by the combination of spinners.

Were your men themselves satisfied, the men that you employed?—The spinners were perfectly satisfied before the interference of those men.

Have you extended your works at your new place?—Yes.

Was that extension in the prospect of peace and freedom from interference?—Yes, up to that time we had never had the least interruption.

Would you have extended your works there if you could have foreseen what did occur—that is, if you could have foreseen that you would have been interfered with?—If I had considered that they could have

mastered me I certainly should not. If I had felt that I must have been compelled to have been ruled by this combination.

By the general operation of trade and competition the profits of manufacturers of your class, we are informed, are rather diminishing than otherwise?—Yes, they are.

Is the inference correct, then, that any interferences with the diminishing profits become in proportion to that diminution more serious?—Yes.

We are informed that the circumstances which thus have affected the location of manufacturing and mill property within the manufacturing districts will, unless some protection be given, probably contribute to the removal of such capital and property to other countries where due protection is given to the workmen and the employer?—That is my opinion.

Is a conviction of that nature increasing amongst manufacturers, do you know?—It has with me within the last six months more so than ever.

Mr. Sheriff Alison, in the course of his examination before the Committee of the House of Commons appointed to inquire into strikes and combinations, was asked—

Must not the general tendency of these associations be to diminish the disposition to lay out capital in the establishment of manufactories? —I should think to a degree that is most alarming. I know one manufacturer who has transferred his capital from Glasgow to the north of Ireland (Mr. James Hutchinson), and has ceased to employ 1,200 weavers, in consequence of his being exposed to perpetual vexation and loss by strikes among the people he employed: he is in the weaving trade."

Mr. J. Houldsworth, a master cotton-spinner of Glasgow, states—

That the masters frequently remove their works, or make their extensions in the country instead of in towns, in consequence of such interference.

Has that taken place in any great degree?—Yes, it has.

In what direction have they gone?—All round about Glasgow.

Is not all that within the circumference of these unions?—We consider that our workmen are less likely to be attacked at 10 or 12 miles from Glasgow than in the town.

§ 82. We have had various instances presented to us of diversions of large amounts of capital in consequence of the intimidation practised by the leaders of strikes. The populous towns of Ashton and Stalybridge, and other places where the population are largely employed in power-loom weaving, owe their rise and great portion of their prosperity to the early destruction of power-looms at Stockport, Blackburn, Westhoughton, and other places. The capitalists who have removed from the towns, in the expectation of being free from the violent interference of third parties between the workmen and themselves, have, however, of late, as was mentioned by Mr. Orrell, been followed by the interference of agitators, and still more seriously threatened, as being more remote from the protection

of the military or the probability of protection in any shape. It is now strongly urged that the past disturbance of manufacturing operations from such causes inadequately represents the present dangers from them. Manufacturing profits and the profits of capital generally are, from competition, in the course of reduction. Under high profits inconveniences would be endured which could not be sustained under the diminished inducements of low ones. Even the case of Norwich is therefore inadequate as an example of the consequences of lawless sway within the country. But if, as we believe from the evidence we have received, (which is stronger than that given by the most respectable witnesses examined before the Committee of the House of Commons,) that the dangers to the manufacturing prosperity, from the want of due protection, are already great, since they already drive capital from one district to another in England, we cannot but acquiesce in the apprehensions of many witnesses, that a further and more serious effect of the omission to give due protection to industry will be to drive more of English capitalists and manufacturers abroad, where entire security is assured and provided for them. Persons who are possessed of great enterprise and a capital of 40,000*l.* or 50,000*l.*, the amount requisite for the erection of a cotton-mill, in which employment shall be provided for 400 or 500 people, will not, for the sake of an uncertain additional profit of one or two per cent., embark their property in a district where its employment must be beset by perpetual contests, and the fears and actual dangers of personal violence, of maiming, or fire, or murder. Several of the most considerable and enlightened manufacturers in the chief districts of the cotton manufactory concur in the view set forth in the following examination.

Samuel Robinson, Esquire.—You are a cotton manufacturer residing at Duckenfield?—Yes.

Have you had any experience of the interruptions in the employment of your capital—interruptions from trades' unions?—Yes, very serious experience. I was subjected to one which lasted during nine weeks, during which one of my neighbours, a manufacturer, was shot, and another was shot at, and no one considered his life safe.

You are aware of the state of the cotton manufactories in England generally, in respect to the inducements to the investment of capital arising from the freedom of employing it, in England, as compared with similar inducements on the continent, freedom of employment from the interruption of trades' unions or unauthorized bodies?—I know little personally of the manufacturing part of France or of Belgium; but I have had considerable opportunities of seeing and hearing as to the state of the manufactories in Switzerland and the Vorarlberg, or that part of Austria which lies between Switzerland and the Tyrol. In the Vorarlberg cotton mills, cotton printing, and dye works are extending in every direction.

Are these works those of foreign capitalists?—Some of them belong

to English capitalists associated with foreign ones. For example, the mills of Mr. Kennedy at Feldkirch, and Mr. Douglass at Thuringen in the Vorarlberg, are of joint stock companies, in which there is English capital.

In the districts where the works are arising, are capitalists subject to the control of trades' unions or other similar bodies?—I am not aware of any. Indeed, in the countries which I have named, the people are very well contented, and the manufactories are prized and esteemed by them as a beneficial source of employment.

If there were any such control of the capitalists, do you believe the capital would have been invested there?—Certainly not, unless it were upon the inducement of extraordinary profit.

Does the state of protection of the capitalist in the countries you have mentioned offer any inducement to the investment of English capital there?—*Cæteris paribus*, it certainly does offer very strong inducements. From my own experience of the constant interruptions, annoyances, and insecurities, in various shapes, to which the capitalist is subjected in England, I can have no hesitation in stating that they do present very strong and increasing motives to withdraw or to withhold the investment of capital in England, or to invest it less freely than might otherwise be done.

Are the manufactories to which you have adverted as being established under the direction of English skill, and with the aid of English capital, as efficient as in the cotton districts in England?—Those which I examined, whether considered with reference to the machinery itself or to its arrangement with reference to economical and good production, were as good as the average of the mills in Lancashire. Mr. Douglass's mill I consider better than the average, as it includes all our best machines, and some improvements which we might advantageously copy from them.

Then do you, as a manufacturer, consider that our English manufacturers are in danger from foreign competition?—Decidedly so, and that to a most serious and increasing extent.

Mr. Peter Kennedy, the gentleman referred to by the last witness, had been examined under another commission, and the following is a portion of his examination:—

I live at Feldkirch, a cotton-mill in which I employ from 220 to 250 persons.

Do you use English machinery?—No, we use our own machinery; but we have all the advantages of the English machinery: it is on the English system.

What is the description of goods you chiefly manufacture?—Cotton yarn. We can spin almost any kind of yarns, but what we chiefly manufacture, to meet the demand of the country, is from eighteens to sixties.

Have you had any combinations of your workmen in your province?—No. Such a thing is entirely unknown.

If such a thing did take place how should you deal with the combination or the leaders of it?—I should very soon have them in prison.

What would be the extent of the punishment inflicted?—That would depend on the will of the judge. In Austria, they do not like people who combine.

Then as regards the extent of labour which you may enforce, and the interference of the workmen, are you entirely free?—Yes, quite free. The Government would decidedly support us. I know of no instance of the Government interfering between master and workmen. In the neighbourhood of Vienna the hours of labour are from five to nine. I know of no instance of an interference with masters, except indirectly by the enforcement of education of children usually under twelve years of age.

Are you acquainted with the state of manufacture in Switzerland?—Yes, I am.

How are they proceeding?—They are increasing very fast. They can produce coarse yarns at a lower price than the English can send them to Switzerland.

§ 83. The transference of English capital abroad is not confined to this branch of manufacture; nor with other branches are the dangers hypothetical. Mr. E. C. Tuffnell has given to us the following illustrations, from a statement of facts which came to his knowledge in the course of his inquiries as one of the Factory Commissioners.

But an evil of far more serious import to the nation is, when the manufacture, instead of changing from one part of the country to another, leaves it altogether and takes refuge in foreign parts. This has actually taken place in some instances, and the rapid increase of Continental rivalry, by teaching foreigners to adopt our habits of industry, and our improved machinery, daily renders it easier for them to supplant us in the market. It is obvious, indeed, that if this effect has not more generally followed, every additional attack on the profits of the home manufacturer must have this tendency, and augment the chances of foreign products successfully competing with British. In 1820, a Glasgow cotton manufacturer emigrated from that city, and established a factory at New York, that he might conduct his business free from those interruptions to which he was subjected in this country from the strikes among his men. The conduct of the Sheffield workmen already threatens the extinction of the trade of that town, and it passing over to our French and German rivals. At present the same labour in the manufacture of saws which cost 15*s.* or 20*s.* at Sheffield, can be done for 1*s.* 3*d.* at Molsheim, in the neighbourhood of Strasburg. The consequence is, the exportation of this article to the Continent, which was considerable some years ago, has almost wholly ceased: many other of the Sheffield productions have shared the same fate; and America is almost the only market that is left for the sale of the manufactures of that town. The condition of a large proportion of the Sheffield operatives is far worse in respect of comfort than at any preceding period, and the town exhibits the extraordinary spectacle, the inevitable result of successful combinations, of high wages, a decaying trade, and a destitute population. The business that remains is now dependent on our friendly relations with the United States; war or the policy of a tariff may equally extinguish it; and should that happen, the Sheffield workmen may perhaps at length learn, amidst unavailing regrets, that the question has not been, whether they shall get high or moderate wages, but moderate wages or none at all. An instance of

transference of a manufacture to the Continent, in consequence of strikes, has lately occurred in the woollen trade. The workmen in a large cloth-dyeing establishment in Yorkshire turned out for an advance of wages. It happened that the firm were large exporters of *finished* cloth to Germany, where they possessed a small dyeing factory, of which, however, little use was made. The proprietors, on the stoppage of their business in England, were induced to try the experiment of sending the greater part of their cloth, in a white state, to Germany, and dyeing it there, where they could be free from the dictation of Trades' Unions. It is but fair to add, that other causes may have contributed in inducing the firm to try this new speculation; among others, the high duty on drugs in England, and the low duties on the importation of undyed cloth, as compared with dyed cloth, into Germany. The experiment not only answered expectation, but many other unlooked-for advantages resulted from the change. A saving was made in the expense of insurance, as the article was less valuable when in course of transit: there was also less risk of its being spoilt by sea-water, as the subsequent dyeing remedied any damage it might sustain from this cause. Consequently, the proprietors in question have been transferring their dyeing business to Germany, carrying their skill and experience with them; large additions have been made to their foreign factory; and whereas, before the strike, they did not export above 500 pieces of undyed cloth weekly, they now send from 1000 to 1200 in the same time. As increased profit has attended this change in the locality of their dyeing trade, it is clear that this firm will never bring back its business to England; on the contrary, it is to be feared that the example will be imitated by other firms, and the eventual result may be, that the profit of dyeing all the cloth that is sent to Germany, amounting to nearly 20,000 pieces annually, may be lost to this country.

The strike of the frame-work knitters, in 1817 and 1818, had an effect on our export trade of hosiery articles, which is felt to this day. In those years the foreign buyers of these goods, being unable to obtain their usual supplies from the English manufacturers, in consequence of the turn-out, went to Germany to make their purchases. From that period the Germans got a hold on the export trade of hosiery, which they have been yearly increasing, assisted as they have been by numerous strikes of the workmen in this country. Great part of the hosiery articles which our ships export from England is in fact not made here, but at Chemnitz, in Saxony; and it only comes to London to be exported to America and other quarters of the world, a duty of 20 per cent. preventing its consumption in this country. Now we will suppose the Derby and Leicester workmen to succeed in a strike, and to raise their wages to such a degree that the price of the articles they make is increased 20 per cent. The foreign hosiery, which is now in the King's warehouses under lock and key, would instantly have the duty of 20 per cent. paid on it, be brought into our market, and the triumphant workmen and their masters be ruined directly. As it is, the strikes have done irreparable damage to this trade, and the flourishing German town of Chemnitz owes great part of its prosperity to the trades' unions of this country. It cannot be other than a pleasing sight to see the large population of a place like Chemnitz happy, contented, and employed. But what must be the feelings of an English-

man, when looking on that smiling scene of peaceful industry? The pleasure with which he regards it cannot but be mingled with some feelings of sorrow, if the thought should strike him, that that prosperity might have been English—that that employment, that happiness and contentment, is so much torn from England by the folly of the Derby and Leicester workmen. A century and a half ago the King of France drove great part of the silk trade from that country to this by his tyrannical edicts: our workmen are in a fair way to do the same with respect to England by their trades' unions.

§ 84. All the protection that appears to be needed is the enforcement of the existing law, and the prevention of violence and intimidation, which place all capital and industry at the mercy of a few persons, who appear to live by the dissensions and disorders which they create. The following portions of an examination, taken under another commission, of Rowland Detrosier, himself a mechanic and an able and respectable lecturer at mechanics' institutions, displays the characteristics of the hands by whom such power is wielded:—

Have you paid attention to the circumstances which affect wages?—I have; and have had frequent opportunities of discussing this subject with some of the more intelligent of the working men, during the periods of their turns-out.

Do you mean by the more intelligent of the men those who most influenced them, or their leaders?—No; I mean those who in my estimation possessed a more than usual degree of knowledge. But I have also had discussions and conversations with their leaders.

Are they always or usually of the most intelligent?—Not always. They are sometimes more characterized by their extreme opinions than by their positive knowledge.

What proportion of their measures have been attended with success?—Comparatively few indeed.

What proportion of their measures have been attended with cost or privation to the operatives?—I am compelled to say, that in almost all cases the results have been unfavourable to the working men themselves.

And was this so in plans for matters unconnected with direct disputes with masters, as well as contests for wages?—Yes.

Have you heard of any instance of success?—I know of no instances of success connected with trades' unions.

Neither in trading speculations nor in strikes?—I know of none.

The great evil of the working class you consider to be the want of ducation, or their ignorance?—Yes.

And is not passion and ungovernable will too frequently found, on such occasions, the substitute of knowledge?—Yes, that is what I mean by my former answer.

Is not the confidence of some of the leaders, on such occasions, frequently in the direct proportion to their ignorance?—I have known some leaders of that character; but I have also known some leaders who, though very imperfectly informed on the questions on which they were more especially engaged, as they really meant well, were willing to be informed, and who frequently admitted that there was too much

of passion mixed up with the proceedings of both masters and men. There is not a more ignorant set than some of the masters, nor men more governed by prejudice.

What has been the governing opinion amongst the working men on the subject of wages?—There is no question on which the prevalence of prejudice has had a more injurious effect than on that of wages. The men seem hitherto to have acted on the supposition that they could control the rate of wages independently of the supply of labour. They seem scarcely ever to have considered the subject of supply and demand as applicable to the labouring population, nor am I aware that any of those who are called their leaders have endeavoured to enlighten them on this subject. Indeed it appears to me that prejudice rather than knowledge has been appealed to on these occasions. Often suffering reductions of wages which appeared to them to have their origin only in the wills of their employers, it is not to be wondered at that, in their imperfect state of knowledge, an appeal to their feelings should almost always be the most successful course.

§ 85. We venture to give the following portion of a cross-examination of the same witness, as evolving the relation of labourer and capitalist, or employer, which is disturbed by such proceedings:—

You have stated that in your opinion the evils of which you have spoken as existing, what you call overwork and oppression, can only be remedied by the operatives becoming their own masters, the directors of their own labour. Now is it not the fact, that of all taskmasters the most strict and exacting are those who have themselves been working men?—That may be, but what I was considering as a remedy was that the operatives should become capitalists, and manage their own concerns as a body, and not subject themselves to any individual.

Do you mean that they should associate, to use the most efficient means of production, machinery, and become the self-managing proprietors of manufactories?—Yes, I think that is not impossible on the co-operation principle.

You must be aware that for the erection of a well-appointed mill of the best order, for the employment of 1000 persons, a capital of about £100,000, say, for a round sum, a capital of £100 per head for each person employed. Now, how are any 1000 operatives, such as would be eligible for factory employment, to get this £100 per head?—By sobriety and frugality, judging from what has been done in particular instances, many of them might go a great way towards the saving of the money.

That is to say, from the produce of their present employment by the manufacturing capitalist?—Yes, as I have told them in my lectures, they might clearly save all they drink, and that makes a vast deal, if we only see that portion of it which is displayed in all those vastly expensive erections, the gin palaces, and the greater part of the public-houses.

Admitting entirely the desirableness, for the sake of the working classes, of such sobriety and frugality, and the importance of their becoming possessed of property, do you think it within any reach of probability that any 1,000 of them within any one neighbourhood may be

got to save the requisite capital?—Perhaps not, but they might do as other people do, and borrow.

Of the capitalist?—Yes.

And with his aid you think they may achieve the benefits of independence?—Yes.

The obtainment of such loans will of course be dependant on the probable security of the investment. We will suppose, however, the requisite amount of capital, or £100 per head, obtained, and the requisite number of persons agreed to employ it in co-operation. The first steps on which the whole capital may be shipwrecked by any mistake are the erection of a fitting building, and then the selection of suitable machinery. In what way would the general body determine upon these things?—They would, I presume, appoint a committee for the purpose.

[The witness was here examined at some length in reference to his previous evidence as to the choice of fitting persons; as to the inherent defects of committee management, slowness, division of responsibility, absence of risk of the capital subscribed, corruptibility, and the opportunity and temptation given to the most ignorant to obtain power, and interrupt quiet business by dissension and clamour.]

Supposing, however, all difficulties as to the capital overcome, a proper building erected, proper machinery obtained, and all contentions as to which of the co-operatives should take the best, and which the worst and most irksome labour, settled, and proper subordination obtained, there still comes the business of buying the raw material; and next, that of selling the manufactured product, a business requiring, as you will admit, much skill, promptly applied, to guard against failure or bankruptcy. How would you that a committee should transact such business in the market?—For that business it might undoubtedly be expedient that they should choose some skilful and trustworthy person.

Who having large capital, or the success of the undertaking, in his hands, and being open to the temptations of embezzlement or to large bribes on the betrayal of his trust, you would perhaps think it right should be well paid to diminish those temptations?—Certainly, I see no objection to that; he ought to be well paid.

That being so, what would you, an operative capitalist say, be willing to give to such a person for the management of your £100, productively to obtain a return of weekly wages for your subsistence, for obtaining and superintending the fitting machinery, selecting and buying skilfully the raw commodity, and selling the manufactured produce, without any labour or care on your part?—I have never considered the subject in that point of view, and can hardly say; but I think £4 or £5 a-year would not be unreasonable; for my own part, I should not object to that.

It may surprise you, and it is well that you and the respectable mechanics engaged in this branch of manufacture should know, that the service spoken of is all rendered to them for one-half; now, indeed, when trade is depressed, for less than one-fourth of the sum which you, and perhaps they, would deem a fair remuneration: that the £100 capital is furnished; the building erected; the machinery of the most

efficient description is supplied, and raw commodity purchased; the labour in working it up directed; the markets vigilantly attended, and the sales of the manufactured produce faithfully made at the best price, without any care or thought on their parts; and that the manager or capitalist who is provided for you does all this, and is well satisfied with a remuneration of 40*s.* or 50*s.* per annum for each individual whom he serves, whilst serving himself.

§ 86. Mr. Orrell stated that his profit for the superintendence of the labour of the hand-loom weavers at Stockport was from 20*s.* to 30*s.* per head per annum. A very considerable cotton manufacturer stated that in prosperous times his payment beyond the interest of capital, insurance, and various charges, was from 40*s.* to 50*s.* per head per annum, or just one-half of the cost of that superintendence which is admitted to be necessary.

The conclusions from the facts set forth in the examination appear to us to be inevitable. We have not thought it out of place to advert to them for the purpose of endeavouring to mark distinctly the delicate nature of the interests concerned, and the necessity of protecting them from the dangers of lawless disturbance by third parties. Of late very serious alarms have been created by the proceedings of trading agitators, who have made it a practice to represent the owners of capital as enemies and oppressors of the working people, for whom those masters, as capitalists, provide the means of subsistence. The assassination of the manufacturers, and the destruction of manufacturing property, has been openly advocated, as a means of obtaining other objects. We need not describe the proceedings connected with the recent torchlight meetings, which have been the subject of direct communications from the magistrates and others engaged in the administration of the law within the district. We received urgent requests to examine the district specially, with the view to the recommendation of the appointment of some efficient agency for the protection of life and property. As one indication of the state of prevailing alarm, we may mention that whilst we have found great readiness to communicate information on the subject of the illegal proceedings, we found few willing to give evidence unless on condition that their names were withheld. We have experienced that difficulty even on the part of persons engaged in the administration of the law in several of the disturbed districts. In Oldham, where one man was some time ago shot in an attack made upon a mill, and also in other places, it was stated to us that the owners of manufacturing capital had introduced arms for self-defence, and were considering of the formation of armed associations for self-protection. If the principle of self-protection were thus generally adopted, which appears inevitable where due protection is not publicly provided, we need scarcely

specify the serious inconveniences which are to be apprehended from each manufacturing town being rendered a sort of fortress, held by undisciplined troops, infected by local animosities. When we have inquired why the law was not enforced, or proceedings taken against the offenders, for notorious breaches of the public peace, we have been assured in reply that the magistrates were prepared to issue warrants, if legal evidence had been brought to them with relation to the acts and offenders in question. The result of the inquiry has been that the constabulary within the district has been utterly inefficient and incapable of making the proper inquiries, and giving to the magistrates the information on which to act. The more frequent suggestion of the only remedy, a paid and well-trained and organised constabulary, is stated in the evidence of Mr. Thomas Ashton, a magistrate residing and acting at Hyde, in Cheshire, where he is the owner of considerable property in manufactures, and the employer of about 1,500 persons.

Mr. Thomas Ashton.—Have you, or has any part of your family, been exposed to the consequences of strikes where force has been used?—Yes, my brother's son was shot during the excitement of one of the turn-outs, and it was by paid men from the country union men.

Were your own workmen discontented at that time?—No, they did not show any discontent; there was no disturbance at all in our own mill.

It was, then, an interference of third parties?—Yes, third parties, not living in the neighbourhood, but men sent over on purpose to strike terror into the minds of the masters, and they shot my brother's son for that purpose.

He adds—

In case of turns-out it would be desirable to have a force to protect the people that are willing to work, because always one part are willing to work, but the others prevent them, and frequently those people are desirous to be protected to and from their work.

What suggestions have you to offer with respect to a force of that description?—A police force of strangers that the Government might send. If they had a central force that they could send into a neighbourhood to protect the people, that would soon put it down; and many a turn-out would have been put down, if there had been such a force to maintain the law and the freedom of those who were willing to work.

What are your grounds for the suggestion of the expediency of having a constabulary unconnected with the district, to act upon those occasions?—On this account, that they are not known. Residents have their relations or friends interested, and you cannot get them to act, but strangers would act. The leet constables are not worthy the name of force; they are all connected by family, or some other way; they are of no use: we never could get a protecting force from the neighbourhood.

Would not a military force afford such protection?—No; unless a riot assumes a serious character the military cannot be called out, and I think it is not desirable to call out the military on every occasion, even if the Government allowed it. I, as a magistrate, should be ex-

tremely reluctant to direct the military to act; other magistrates, I am aware, feel similar reluctance; and when a riot occurs, magistrates, influenced by such feeling, allow it to proceed until violence and mischief happen, and then when the aid of the military can no longer be dispensed with, they are obliged to incur the responsibility of ordering them to act. The services of the military in cases of riot could only be avoided by the employment of a trained police force; and if such a force was established, I think it should be unconnected with the district in which it is employed. If the men composing such a force were selected from the district in which they were to act, local influence and connexion would operate upon them, but if they were unconnected with the district they would act dispassionately, and without exciting animosity. It would be found burdensome, perhaps, to particular localities to maintain a larger force than the state of the district usually required; and therefore I should suggest on urgent occasions that recourse should be had to neighbouring or even distant districts for assistance, and that the force whose aid had been required should return when the occasion for their presence had passed away. Upon such urgent occasions, I think it extremely desirable that a stipendiary magistrate should be sent into the district and entrusted with the administration of the law. A great majority of the more serious disturbances originate in disputes between master and servant. The local magistracy is chiefly composed of the resident landowners and manufacturers, and the irritation of the workmen against their employers is greatly increased when they find the person, with whom the disputes have arisen, openly supported by, and giving directions to, the military, and subsequently punishing them for breaches of the peace, which would never have been committed unless such disputes had occurred. Ought the employer to be placed in such a situation? Is it likely that animosities should be allayed or peace maintained by it? What safety has the proprietor of machinery? Is it to be left to the zeal of magistrates, whose interests conflict with his? My opinion is,—and it is supported by the known case of a gentleman employed in preserving the peace, who exhorted a mob to disperse "after they had broken certain machines," to which he was believed to be hostile,—I submit, that it ought not, and I therefore look at the recent employment of a stipendiary magistrate to act in a case in which such connexions were involved, as a precedent for the course I wish to see generally adopted. I may besides remark, that magistrates who feel themselves competent to transact petty-sessions business, or even such cases as usually come before the quarter sessions, would distrust their own judgments, and be fearful of incurring responsibility in cases involving even treason and points of law, in which the law officers of the Crown would proceed with caution. I agree with Mr. Forster, as to the expediency of keeping the executive and judicial functions of magistrates distinct, and as far as our Cheshire Constabulary Act will allow I have acted upon that opinion. If such a trained force as I have supposed was embodied, I should be surprised if it were found to act well, unless its direction and management were entrusted to a person competent to the control of such a body.

Other magistrates similarly connected have concurred in the recommendations contained in the evidence above cited, and have represented the need of extraordinary and professional

aid in the populous districts on such extraordinary occasions.

§ 88. Where the description and use of an organised police force or constabulary is unknown, the only means of protection has appeared to be a military force. But the military commander of the district has, we believe, made representations of the unsuitableness of any military force to meet the numerous occasions on which protection is required. In such representations the most experienced witnesses concur, and not only represent the inadequacy of a military force to repress numerous small disturbances, but to act singly, or without the aid of a civil force, to repress large commotions.

Of the military force it may be observed, that the private soldier has both hands occupied with the musket, with which his efficient action is by the infliction of death by firing or stabbing. The constable or the policeman, whose weapon is the truncheon, or, on desperate occasions, the cutlass, has one hand at liberty to seize and hold his prisoner, whilst with the other he represses force by force. Each of the soldier's actions forms part of the general action of the body to which he belongs: he acts only in silence. He is allowed to exercise no individual discretion, and he may not move out of the ranks to seize any individual rioter.* The constable is invested with very wide discretionary authority: he may use persuasion and remonstrance to particular persons; he may go amongst any crowd, or otherwise singly pursue and seize any ringleader, or take note of him for subsequent pursuit. These elementary differences in the mode of action of the individual soldiers, or of the individual constables, constitute the wider differences in the nature of the distinct forces of which they form part, the military and the constabulary. From the fatal nature of the action of the military force, the magistrate entertains great reluctance to use it, or sanction the summary and indiscriminate infliction of deaths for offences, which on trial would probably meet only with some secondary punishment. Hence it is that it is only when serious offences which ought to be and might be prevented are committed, and houses and other property are destroyed, that consent is given to the military to act. It is only as against the outbreaks of *armed* mobs that the military force may be said to be preventive; the indisposition to have recourse to its aid, except in the most alarming emergencies, appears to increase, and thus in the absence of an efficiently organised constabulary this indisposition must give impunity to such illegal proceedings as have of late been witnessed in the manufacturing districts. Dr. Mitchell, in his Report, observes upon the comparative expediency of the employment of a police or of a military force.

There are men of high consideration of both parties in Norwich who

will speak with great coolness of calling out, in case of any disturbance, the military from the barracks. But the military are a tremendous engine, which it may at times be necessary to employ, but the seldomer the better. The soldiers either do nothing or do too much. The populace will not believe that the bullet or the bayonet will actually be used until too late, and all parties lament the result. But they have no incredulity as to the policeman's staff; and when they feel its force they experience severe pain for a few days, but they get well and are better subjects ever after.

Policemen soon learn to know the person of every man who makes himself conspicuous. Ringleaders who figure in the day time at the head of a body of followers, before next morning find themselves within the bars of a gaol by virtue of a warrant, and all this comes about with very little noise or disturbance. The leaders being gone, the main body become quiet.

§ 89. The general conclusions of persons engaged in the administration of the law, and who are conversant with the dangers which beset the manufacturing districts, appear to be expressed in the evidence of Mr. Sheriff Alison, of Glasgow, as to the means required for the protection of the free exercise of industry and capital in the manufacturing districts of Scotland. Before the Committee of the House of Commons he was thus examined:—

Do you look to any efficient check being given to these combinations by the extension of a regular police?—I think the extension of a regular police would have a very great effect; more effect than anything else possibly could have in checking the evils of combination; because I think that if combination could only be severed from its accompanying intimidation and violence, it would cease to be an evil at all. It is because I feel that so difficult a matter to accomplish, that I deprecate it so much.

Supposing you had a more effective police, in what way do you consider that it would affect the combinations?—I will state in what way it would affect the combinations. If there was a more effectual police established, the proper course for the magistrate would be this: the moment a strike began, to issue a proclamation, stating, that by such an Act of Parliament, or by such a decision of the court, it was held, that persons assembling, hanging about a mill, offering any molestation to new hands, were guilty of an offence punishable with three months' imprisonment, and that he should station a considerable body of police round the building where the work was carried on. I would station, I think, 40 or 50 policemen permanently day and night round the building, and then if any persons began molesting or intimidating the new hands, I would have them brought up for summary punishment.

Is it your opinion that the magistracy is at present armed with sufficient means to prevent intimidation by a trades' union?—I am decidedly of opinion that in the rural districts the magistrates in Scotland are not armed with anything like adequate power: I may explain the situation in which a magistrate stands. Within the city of Glasgow there is a very adequate and a very admirable police force, which effectually prevents intimidation or violence to a great extent within the

bounds of the Royalty, the Royalty corresponding there to the city of London here. There is, however, a very extensive district situated beyond the city, to which the city police does not extend; that district embraces by far the greater proportion of manufactories of all kinds, particularly cotton manufactories, and it is protected by a most inadequate police; it is divided among several subordinate jurisdictions, and the police of each is upon the whole inefficient; there is no central point of communication. Beyond the limits of this cluster of burghs which form the aggregate of Glasgow, there is no police whatever; and I have repeatedly found myself in this situation, that I have had applications from all quarters for protection, when I had not a single policeman at my disposal to send, and I had no resource but either to arm the constables, which was just putting one mob to fight another, or to call out the military, where I ran the hazard of producing a collision between the government and the people.

What class do they belong to?—They belong to the better section of inferior shopkeepers, and the special constables are taken from the higher class of shopkeepers.

Can you suggest any method of making the civil power adequate to restrain the illegal conduct and intimidation of the cotton-spinners' and other similar unions?—The only effectual remedy that can be provided is the establishment of an adequate police force; that is an indispensable preliminary to anything else which can be done; other things in addition may be done, but without that everything else will prove nugatory. I am, therefore, strongly impressed with the necessity of establishing a rural police in the districts around Glasgow, having a central point in Glasgow, pervading the four great manufacturing counties, and I have used the utmost efforts to carry this object into effect. I have prepared a memorial which has met with great support, and which is to be laid before the Secretary of State.

§ 90. To this testimony we shall only add the observation, that it is essential to the protection of industry in the manufacturing districts that it should be preventive, by the use of the functions of watch and ward, rather than repressive, by the apprehension of the offenders. Such prevention appears to be the only effectual remedy in the case of the most mischievous means of enforcing the objects of strikes or combinations, namely, picqueting or surrounding the manufactories with emissaries to watch and intimidate the workmen. On these occasions the agents of the leaders of the strikes are almost always strangers brought from a distance who cannot be identified. Mr. Henry Ashworth, a partner in one of the largest manufactories in the country, gives, in illustration of the inefficiency of the ordinary means, the nature of the interruptions given at one of their manufactories in 1830.

The operative spinners, about 40 of the men, turned out, and thereby threw out of employment about ten times their own number, chiefly women, children, and young persons, who had not the slightest interest in the dispute.

The dispute, such as it was, scarcely deserved to be called a pecuniary

one, inasmuch as the sum was less than 2*d.* per spinner per week, upon wages averaging above 30*s.* per week. The fact was, we refused to lay aside our accustomed mode of reckoning, and adopt one which was proposed to us from the union.

Our works being at a stand, we advertised for other spinners, and they soon began to throng to the mill from distant places, but chiefly from Manchester, where a strike had recently terminated, leaving many of them unemployed.

The roads for many miles around our mill were picqueted by relays of unionists, who paraded night and day, and being armed with large sticks and other weapons, they deterred every person who attempted to pass if he had the resemblance of a spinner, and on one or two occasions they stopped the public coaches on the road from Manchester, examined the passengers, selected those whom they conceived to be spinners, and drove them back to Manchester, using great violence in many cases: yet amidst all this confusion we were unable to establish a single case of assault against any one, no constables being at hand, and the public not daring to face the odium of interference.,

Our mills and premises are situated at the junction of three townships, to all of which we pay the police rates. We sought the protection of the constables, but without success. In two of the townships the office was evidently filled by persons who appeared to consider it a local duty affixed upon them, for which there was no sort of emolument to be received beyond the casual payment of fees for the service of any legal process. These officers, being incompetent, were unwilling to take any steps for preserving the peace, although they knew that it was broken every day. In the other township, that of Little Bolton, the constable, when applied to, tendered his services with apparent sincerity, and engaged to provide a proper escort to the mill for such hands as might call upon him for protection; but we afterwards discovered that he had allowed a spy belonging to the unionists to remain in his house, who apprised that body when applications were made, and thus enabled them to intercept the parties. Thus by collusion the constabulary power, for the expense of which we are largely rated, was turned against us. We complained to the magistrates, but got no redress. They merely observed that they considered it very unhandsome behaviour in a public servant.

In spite of these annoyances, we at length succeeded in procuring a fresh supply of hands, and thereby terminated the question. The unionists then became so much exasperated, that a detachment of them, under the direction of what was called a destruction committee, entered our premises at midnight, ransacked the dwelling-houses of the workpeople, and beat them with bludgeons in a most barbarous manner: they also broke a great many windows, and did other damage to our property. Indeed they manifested so much vindictive violence, that no one could have estimated the extent of life and property which would have been sacrificed had the rioters not been deterred, by the ringing of an alarm bell, which caused them to disperse.

We were repaid by the county treasurer for some portion of this loss and damage; but we sustained a heavy loss from the interruption of our trade, and those of our workpeople who were not interested in the strike endured great privation from being thrown idle. Had this neighbour-

hood been in possession of a constabulary force strong enough and duly authorised to put down the system of picqueting, and give due protection to the willing workers, this vain contest might, perhaps, not have been entered upon, or, if it had, its duration would have been much shortened.

§ 91. Some of the strongest corroborative evidence in favour of the superior efficiency of a well-organised constabulary or police force might perhaps be found in the extreme bitterness of invective with which the parties implicated in illegal practices in these districts treat any proposition for its introduction, whilst they view with complacency any actual increase of the military force.

§ 92. The sentiments of these trading committee men we have refused to receive as the sentiments of the great body of workmen, to whose best interests their whole course of proceedings are proved to have been inimical. We believe that by the majority of the working people in the manufacturing districts an efficient constabulary or police force would be deemed a valuable protection, and be popular, as it has been in the metropolis and in the various towns where it has been well conducted. Though objections are made against the most economical means of preventing or repressing violence, we find no persons of respectability who defend the use of violence. It was, indeed, on the express understanding that the use of violence should be mutually prevented, that the old Combination Laws were repealed. On this point we thought it advisable to examine the Honourable Member at whose instance chiefly the law was altered, and we cite the following portion of his evidence as deserving of peculiar attention.

Joseph Hume, Esq., M. P.—You were, we believe, Chairman of the Committee for inquiring into the Combination Laws, and took the most active part for their repeal in 1824?—I was.

It was probably your view, and the view of those with whom you acted, to secure the entire freedom of industry?—Yes. At that time secret combinations, secret associations, amongst the working classes, were generally prevalent, and very serious outrages had been committed. One person had been killed, and others were so far in fear of violence, that there was great difficulty in obtaining their testimony. As an instance of this I may mention, that, of all the master shipwrights at Liverpool, not one of them could, for fear, be got to give evidence individually; and the only way in which we obtained their testimony was by examining the whole of them who could be got to come, ten in number, as one man. At that time there appeared to be a strong impression amongst the working men that the laws were unequal and unjust in punishing them for combining when it did not punish their masters. The law was not in fact unequal, for the masters were punishable as well as the men for combination, but the offence was not so easily proveable against them. My view was to leave both parties at liberty to determine at what price the one would sell their labour, and the other give their capital and their labour, and to protect both parties from violence.

What were the opinions elicited from those of the working classes with whom you came in contact respecting the protection to be given against violence?—The delegates from the working men in the manufacturing towns, generally very shrewd and intelligent men, were unanimous (as the evidence chiefly of 1824 will show) that if the Combination Laws were repealed, and masters and men left perfectly free to make what agreements they thought proper, the working classes would cheerfully agree to any law the Legislature might pass to punish acts of violence or intimidation; and the stringent clause against violence which I inserted in the Act of 1824 met with the entire concurrence of the working classes, and is the best proof I can offer of what was the intention of all parties at that time.

Has your attention been directed to the operation of the Act in question as regards intimidation and acts of violence?—Yes. The attempt that was made in 1825 to re-enact the combination laws kept the subject before me, and in my evidence before the Commissioners appointed to inquire into the county rate and expenditure I brought the subject of the police especially before them. I had found that intimidation had been used in many of the manufacturing districts in an indirect manner, but yet sufficient, on many occasions, to prevent the freedom of industry: a degree of terror existing in these districts to prevent the ordinary constables, who are generally in some kind of trade dependent on the working classes, from acting. I had been informed that the parties directing and enforcing intimidation were generally known to the constables, but for the reasons I have stated there was no person to bring the information before the magistrates, which I consider ought to be and would be much better done, with the view of prevention than of punishment. At present intimidation and combination are allowed to continue, evidently against the letter and intention of the Act, producing many of the evil consequences of the interference with the freedom of capital and labour, which the law was intended strictly to secure. I stated to the County Rate Commissioners in my evidence the present defective system of police, and that it would be productive both of protection to industry and economy to the county if a separate and distinct police were established in each county, having their time entirely devoted to that duty, and liberally paid for their services, to secure the performance of their duties and place them above temptation. I stated also that it appeared absolutely necessary that they should be free from local connexions, which renders the present constables so very inefficient. I consider that it would be of as much use to the workmen themselves as it would be to the masters to be advised in time as to the consequences of the course they were taking when they happen to be misled to an illegal course. I am decidedly of opinion that the Government have not given the repeal of the Combination Laws a fair trial. The object was perfect freedom to masters and men in their agreements as to the hours of labour and wages, and yet they have never given that protection necessary to secure either. The constables are inefficient, the magistrates are inefficient, and the working classes, through ignorance, are often involved in breaches of the law which, under the alterations I have suggested, would be avoided.'

§ 93. We can have no hesitation in expressing our concurrence with the testimony of Mr. Ashton and other magistrates

within the manufacturing districts, that on occasions of dispute between the workmen and the masters, where the magistrates are themselves manufacturers, the aid or intervention of a stipendiary magistrate should be resorted to.

§ 94. Whilst the danger of the disturbance of the operations of trade by strikes, enforced by intimidation, increases with the reduction of the ordinary profits of capital by competition, the temptations to have recourse to strikes increase with the progress of manufactures. One main element of that progress, we need scarcely state, is the division of labour. By the progress of that division, power is given to a continually diminishing number of hands engaged in one division of the process, and the temptation increased to use that power to stop the whole process or manufacture, to throw the whole body of workmen out of work, in order to obtain the particular ends of a very few persons.

§ 95. One drawback to the evils of such strikes as those in question is the impulse they have given to the invention and use of improved machinery, by which human labour is saved. The interests of manufacturers under ordinary circumstances are, however, quite adequate to secure the progression of invention and improvement in machinery, in a gradual and peaceful manner. The changes in machinery produced by strikes are comparatively violent, and occasion extensive and unnecessary suffering.

§ 96. Besides the need of protection for industry and property on occasions such as those we have described, we might submit, as other grounds for the establishment of an efficient constabulary, the need of additional securities against the dangers of violence on the occasion of extensive stoppages of manufactures, by war or other more probable occasions of reverses in trade; and also the especial need, in regard to such a population, that they should be made to know the law, and habitually respect its enforcement by the civil authority. It is to be remembered that the great bulk of the population collected in the manufacturing districts is uneducated. They have usually been precluded from any moral or religious education by the hours of their labour and the absence of proper means during infancy and youth. The ignorance of a large proportion of the adult population may be judged of from the ignorant courses into which they are often led to their own severe injury, and by the topics of declamation usually addressed to them by those who make a trade of agitation. It appears to us essential to the peace and security of that part of the kingdom that timely security should be established for the preservation of the peace in the most gentle yet most efficient manner against the serious infractions to which it must be liable amidst such a community.

§ 97. For the new population peculiarly situated, we found no appropriate provision made by the organization of any adequate civil force. Much of the new population of these districts consists of strangers who have immigrated from other parts of the United Kingdom, where they were subject to domestic and social ties, or the ties of established habits, and to the control of a constabulary. In Manchester alone there are nearly 30,000 Irish; there are also considerable numbers of Scotch, who have settled in that town. In a statistical report on the state of the Scottish population, made upon a personal visitation and inquiry by some members of the Scottish church into 2433 cases, it is stated as a subject "of much regret that so many should have been found to forget the noble and self-denying habits of their native land, and should be as ready as their worse-taught and inexperienced neighbours to increase the earnings of the week by hiring out the feeble energies of their children, utterly heedless of imparting to them that education which is so essential to their temporal as well as to their spiritual welfare." With the neglect of other observances, with increased wages, came diminished thrift, increased dissipation, actual destitution beyond the means afforded by the wages of the day, ending by proneness to discontent, which must fit them as instruments for the most serious disturbances. The state of the Irish population in the manufacturing districts is described in an able report by Mr. George Cornewall Lewis, made after a special examination whilst acting as an Assistant Commissioner to the Commissioners of the Irish Poor Law Inquiry. In that report he states, that "when large bodies of Irish of less orderly habits, and far more prone to the use of violence in fits of intoxication, settled permanently in these towns, the existing police force, which was sufficient to repress crime and disorders among a purely English population, has been found, under these altered circumstances, inadequate to the regular enforcement of the law." (Report, p. xl.) He adduces in illustration of this conclusion, evidence such as the following:—

Mr. J. S. Thomas, deputy constable of the township of Manchester.—The principal charge against the Irish is brutal and disorderly conduct, the result of their drunken rows. The beer-shops are the source of a great deal of crime, and many of them are kept by the Irish. Illicit spirits are often clandestinely sold in them; the illegal distillation is chiefly confined to the Irish, and the illicit spirits are hawked about by the Irish women. We have sometimes fights and serious affrays, in which we are forced to show (though we never use) cutlasses with the Irish, in order to seize stills. It sometimes happens that our men are beaten off, and the prisoners with handcuffs are rescued. Rescues of this kind have happened three or four times in the

last six months. In Angel Meadow, or Little Ireland,* if a legal execution of any kind is to be made, either for rent, for debt, or for taxes, the officer who serves the process almost always applies to me for assistance to protect him; and in affording that protection my officers are often maltreated by brickbats and other missiles. The same remark applies to the execution of a magistrate's warrant. It is extremely dangerous to execute a warrant in a factory where many Irish are employed; they will throw bricks and stones on the officers' heads as they are coming up stairs, and frequently succeed in driving them off. We are then forced to wait, and, if possible, to take the man by stratagem. The laws cannot be enforced by the strength which we have. On New Year's Day last, I received intelligence that some Irish were assembled in a respectable public-house, and were demolishing the property of the landlord, windows, glasses, and everything that came in their way. I immediately sent off three officers, which was all the force I had at hand. In about twenty minutes after they went, I received word that they were like to be murdered. I hastily got up a reinforcement of officers, and sent them with cutlasses to the rescue of their comrades. One officer had received a blow of a brickbat, which cut and disfigured the side of his face in a terrible manner; another officer, who had made a prisoner of the ringleader, was borne down and forced into a dark entry, and there he received a blow with a poker across his nose, which swelled up both his eyes and cut his face. While down he was badly kicked, and his prisoner was rescued with the handcuffs on. The third officer received several kicks, and blows from brickbats, but escaped without any serious wound.

Mr. Edward Davies, superintendent of the Manchester watch.—There are a number of houses where the illicit whiskey is sold, and these places are crammed with Irish the whole of Saturday night. Parties of men come mad drunk out of these places, armed with pokers and staves, and patrol the streets in order to assault any person whom they may meet, but especially Irish from other provinces. Very few English mix in these rows, or drink with the Irish; it is very rare to meet one. We have had eight or ten of the watch severely hurt in encounters with the drunken Irish during the last twelve months. There have been at least twenty or thirty other persons, unconnected with the watch, severely wounded in the same manner during that period..... It repeatedly happens that, in order to apprehend one Irishman in the Irish parts of the town, we are forced to take from ten or twenty, or even more, watchmen. The whole neighbourhood turn out with weapons; even women, half-naked, carrying brickbats and stones for the men to throw. A man will resist, fighting and struggling, in order to gain time till his friends collect for a rescue, so that he has scarcely a rag left upon him when he is brought to the lock-up house. Scenes of this kind happen more particularly on Saturday night. It rarely happens that the Irish think of going to bed the whole of that night. There is not one in twenty of the inhabitants of the Irish quarters of the town who would dare to appear against an Irishman, if he was assaulted, or his property damaged: he would expect to have his life taken. The Irish are completely masters in every part of the town.

Parts of Manchester occupied by the Irish.

Mr. James Butterworth, an inhabitant of Oldham-road, a part of Manchester much frequented by Irish, stated—

The neighbourhood of Oldham-road is frequently disturbed by drunken rows, in which Irish are principally engaged, especially on Saturday night. There are many streets in the same neighbourhood, where you dare not send the bailiffs to distrain; if anybody did so they would rise in a body, as they have done many a time. The landlords, perhaps, get some little rent for their houses, but not very often. Sometimes the occupants will sell the goodwill of a house where there is no trade. I cannot say whether rent is ever paid in such cases; as to rates, I do not think that one in a hundred of the Irish pays any in our neighbourhood; all the houses are assessed.

Mr. Lewis states—

The *rate of wages* which the Irish obtain in Great Britain is almost invariably higher, and in some cases considerably higher, than that which they could obtain in their own country. Moreover, the employment is more *constant;* so that they are able not only to work at a higher rate of payment, but also to obtain that payment on a *greater number of days* in the year. There is likewise more facility of getting profitable employment for women and children, especially in the manufacturing towns; and thus the entire earnings of the family are still further increased.

The following is an extract from the evidence of Mr. Aaron Lees, cotton manufacturer of Manchester, to the Factory Commissioners.

What character do the Irish bear in Manchester?—They are the worst part of the population; usually the first to turn out, the first to commence riots, and, in fact, there is no recklessness of conduct which they do not at times display. I bought a mill a short time ago at Crompsall, and the first thing I did was to get every Irishman out of the cottages, giving them money as an inducement to depart quietly. In twelve of these cottages, built back to back, there were 131 people living in the greatest dirt and destitution. Their manners are so different to those of the English, that, though they receive the same wages, they always live in misery and dirt, and addicted to spirituous liquors.*

§ 98. In Lancashire alone there is a population of Irish estimated at nearly 100,000. This population has immigrated from one part of the United Kingdom, where a well-organised and trained constabulary is provided, to a part where the elements of disturbance are perhaps equally powerful, but where no such provision has yet been made to meet them. We cannot too strongly urge the increasing dangers of the continued omission on the part of the Government or the Legislature to provide effectual means for creating and maintaining the public security in these excited districts.

* First Report of Factory Commission, D. 2, p. 91.

Early Constitutional Organization and Principles of Action of a Constabulary Force.

With the view of aiding the judgment as to the present condition of the force, which is the chief subject of our Commission, we shall advert to its early constitutional organization, the principles on which it was bound to act for the preservation of the peace, and the relation which it bore to other portions of the general agency for that purpose.

§ 99. We incline to the opinion that the office of constable is an office at common law, that it was regulated, not created, by the statute of Winchester. In the provisions of that statute are set forth the foundations of the system afterwards completed for the conservation of the peace of the country. This system was originally connected with the general military policy of the country, and was characterised by its efficiency. Among the early statutory provisions of Westminster, prim. 3 Edw. I. sec. 9, is the statute in the following terms:—

And forasmuch as the peace of this realm hath been feebly kept heretofore for lack of quick and fresh pursuit made after felons in due manner, and especially because of franchises where felons are received; it is provided, That all generally be ready and apparelled at the commandment and summons of the sheriffs, and at the cry of the country, to pursue and arrest felons when any need is, as well within franchise as without: And they that will not so do, and thereof be attainted, shall make a grievous fine to the king: And if default be found in the lord of the franchise the king shall take the franchise to himself: And if default be in the bailiff, he shall have one year's imprisonment, and after shall make a grievous fine: And if he have not whereof, he shall have imprisonment of two years. And if the sheriff, coroner, or any other bailiffs, within such franchise or without, for reward, or for prayer, or for fear, or for any manner of affinity, conceal, consent, or procure the concealment of the felonies done in their liberties, or if they only feign to arrest or attack such felons there, as they may, or otherwise from favour only feign to do their office to such misdoers, and be attainted thereof, they shall have one year's imprisonment, and after make a grievous fine, at the king's pleasure, if they have wherewith; and if they have not wherewith, they shall have imprisonment of three years.*

* "Et purceo q̃ la pees de la tere ad este feblement garde avaunt ces oures, par "defaute de bone suite fete sur les felons solum doue manere, e nomeement par "acheson des fraunchises ou les felons sunt recettez; Purveu est q̃ tuz commu- "naument seind prez et aparaillez al maundement e a la somonse des viscontes, ou "au cri del pays, de suire e de arester les felons quant mester serra, ausi biende denz "fraunchises cum dehors; Et ces q̃ ces ne frũt, e de ceo seient ateinz, le Rey prendra "a eus grevement; Et si la defaute seit trove sor le seygneur de la fraunchise, le Rey "se prendra a meime la fraunchise; e si la defaute seit al baillif eit la prison de un "an, e puis seit grevement reint, e si il nad de quei, eit la prison, de deus aunz. Et "si visconte ou autre baillif, dedenz fraunchises ou dehors, pur louer ou par priere, "ou pur nule manere de affinite, concelent ou consentent, ou procurent de conceler, "les felonies fetes en lour baillies, ou ke il se feignent de arestier ou de atacher le "meffes-aunz, par la ou il purrent, ou autrement se feignent de fere lur office e nule "manere de favor des meffes-aunz, e de ceo seient ateinz q̃ il eient la prison de un "an, e puis seient grevement reinz e si il ne unt de quei, eient la prison de [quatre] "aunz."

The statute of Winchester, 13 Edw. I. c. 6, sec. 1, 2, 3, and 4, comprehends others of the earlier provisions for the preservation of the peace:

Forasmuch as, from day to day, robberies, murthers, arsons, and thefts be more often committed than heretofore, and felons cannot be attainted by the oath of jurors, who would more willingly suffer strangers to be robbed, and the offenders pass without pain, than to indict the offenders, of whom great part be people of the same country, or, at the least, if the offenders be of another country, the receivers be of places near; and they do the same because [an oath is not given unto jurors of the same country where such felonies were done, and to the restitution of damages] hitherto no pain hath been limited for their concealment and laches: Our lord the king for to abate the power of felons hath established a pain in this case, so that from henceforth for fear of the pain, more than for fear of any oath, there shall be no felonies spared or concealed; and doth command that cries shall be solemnly made in all counties, hundreds, markets, fairs, and all other places where great resort of people is, so that none shall excuse himself by ignorance; that from henceforth every country be so well kept that, immediately upon such robberies and felonies committed, fresh suit shall be made from town to town, and from country to country.

Likewise, when need requires, inquests shall be made in towns by him that is lord of the town, and after in the hundred, and in the franchise, and in the county, and sometimes in two, three, or four counties in case when felonies shall be committed in the marches of shires, so that the offenders may be attainted. And if the country will not answer for the bodies of such manner of offenders, the pain shall be such that every country, that is to wit, the people dwelling in the country, shall be answerable for the robberies done, and also the damages; so that the whole hundred where the robbery shall be done, with the franchises being within the precincts of the same hundred, shall be answerable for the robberies done. And if the robbery be done in the division of two hundreds, both the hundreds and the franchises with them shall be answerable; and after that the felony or robbery is done the country shall have no longer space than forty days, within which forty days it shall behove them to agree for the robbery or offence, or else that they will answer for the bodies of the offenders. And forasmuch as the king will not that his people should be suddenly impoverished by reason of this penalty, that seemeth very hard to many, the king granteth that they shall not incur it immediately, but it shall be respited until Easter next following, within which time the king may see how the country will order themselves, and whether such felonies and robberies do cease, after which term let them all be assured that the foresaid penalty shall run generally, that is to say, every country, that is to wit, the people in the country, shall be answerable for felonies and robberies done among them.

And for the more surety of the country, the king hath commanded, that in great towns, being walled, the gates shall be closed from the sun setting until the sun rising; and that no man do lodge in suburbs, nor in any place out of the town from nine of the clock until day, without his host will answer for him; and the bailiffs of towns every

week, or at least every fifteenth day, shall make inquiry of all persons being lodged in the suburbs, or in foreign places, of the towns, and if they do find any that have lodged or received any strangers or suspicious person against the peace, the bailiffs shall do right therein. And the king commandeth, that from henceforth all towns be kept as it hath been used in times passed, that is to wit, from the day of the Ascension unto the day of St. Michael, in every city six men shall keep, at every gate in every borough twelve men, every town six or four, according to the number of the inhabitants of the town, and shall watch the town continually all night, from the sun setting unto the sun rising. And if any stranger do pass by them, he shall be arrested until morning, and if no suspicion be found he shall go quit; and if they find any cause of suspicion they shall forthwith deliver him to the sheriff, and the sheriff may receive him without damage, and shall keep him safely until he be acquitted in due manner. And if they will not obey the arrest they shall levy hue and cry upon them, and such as keep the town shall follow with hue and cry with all the town, and the town near, and so hue and cry shall be made from town to town, until that they be taken and delivered to the sheriff, as before is said; and for the arrestments of such strangers none shall be punished.*

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* " Pur ceo qe de jour en jour roberies, homicides, arsuns, plus sovenerement sunt
' fetes qe avaunt ne soleyent, e felonies ne [poount estre atteinz pur serment des ju-
" rurs q̃ plus volunters suf [ferent felonies fetes as estraunges genz passez saunz
" peynes qe enditer meffes-sours, dunt graunt partie sunt gent de meimes le pays, [ou
" a meins, si les [fesours] sont de autre pays, lour] recetturs sunt del visne; e ceo
" funt il pur taunt qe serment nest mie [hore dute] as jururs ne au pays ou les felonies
" furent fetes quant a restitucion des damages peyne [avant ne] fu p^r veue pur lur
" concelement e lur laschese; Nostre Seign^r le Rey, pur abatre le poer de feluns, si
" establit peyne in teu cas, issi qe par pour de la peyne [plus qe par pur de serment]
" a nuli desoremes ne esparnient, ne nule felonie ne concelent; E comand qe so-
" lempnement seit la crie fete, en tuz cuntez, hundrez, marches, feyres, e tuz [autres
" lous ou solempne assemble des gentz] sera, issi qe nul par ignoraunce se pusse
" escuser, qe checun pays issi desoremes seit garde, qe meintenant apres roberies e
" felonies fetes seit fete si fresche sute de vile [en ville, de pays en pais.]

" Enquestes, ensement seient fetes si mester est en viles par celui qi soerein est de
" la vile, e pus en hundrez e en fraunchises e en cuntez [et ascun foix en deux, trois
" ou qatre countees] en cas quaunt felonies serunt fetes en marche de Cuntez, issi
" qe meffessours pusent estre ateinz. E si le pais de tels manere de mefesours [ne
" respoigne, la pein serra tiel q̃ chescun pais] cest asaver genz en pais demorauns,
" respoignent de roberies fetes, e de damages; issi qe tut le hundred ou la roberie
" serra fete, ove les fraunchises qe sunt dedenz la purceint de meime le hundred,
" respoignent de roberie fete. E si la roberie seit fete en devises [dedenz] hundrez
" respoignent ambedeus les hundrez ensemblement of les fraunchises; e plus long
" terme ne avera le pais, apres la roberie e felonie fete, qe [xl joursz, dedenz les quels]
" il covendra qil facent gre de la roberie e du mefet ou qil respoignent de cors de
" de mefesurs. E pur ceo qe le rey ne vueut pas qe gent sodeynement seient espo-
" veri de ceste peyne, qe semblereit dure a aucune gent, graunte qele ne seit mie
" maintenaunt encorue, mes preigne la peyne respit deqes a la Paske procheine
" venaunt, e dedenz cel terme verra le Rey coment le pais se portera, e seserunt teles
" roberies e felonies. Apres quel terme tuz seient certeinz qe la-vaundite peine
" curra generaument, ceo est asever qe chescun pais, ceo est asaver genz el pais de-
" morauns, respoignent des roberies e felonies fetes en lur pais.

" E a plus seurer le pais, ad le Rey comaunde qe en les graunz viles, qe sunt
" closes, les portes seient fermes del solail rescuse deqes au solail levaunt; e qe nul
" home ne herberge en suburbe, ne en forein chief de la vile, si de jour noun, ne
" uncore dejour si le hoste ne voille pur lui respundre; e les baillifs de viles chescune
" semeine, ou ameins quinzeine facent enquestes de genz herbergez en suburbes, [e]
" en foreins chefs de viles; e sil trovent neu herbergour, [qi resceive ou herberge en

After providing that the highway leading from one market-town to another shall be cleared within 200 feet of the one side to 200 feet on the other side of the way, so that there be neither dyke, tree, nor bush, whereby a man may lurk to do hurt; after regulating what armour or harness men may have to keep the peace after the ancient assize, and that view of armour be made twice a-year, it provides that in every hundred and franchise two constables shall be chosen to make view of armour, "and the constables aforesaid shall present before justices assigned such defaults as they do see about the country respecting armour and of the suits of towns and of highways, and also shall present all such as do harbour strangers in uplandish towns, for whom they will not answer. And the justices assigned shall present at every parliament unto the king such defaults as they shall find, and the king shall provide a remedy therein."

The provisions conclude in the following terms:—

And from henceforth let sheriffs take good heed, and bailiffs within their franchises and without, [be they higher or lower,] that have any bailiwick or forestry in fee, or otherwise, that they shall follow the cry with the country; and after, as they are bounden, to keep horses and armour, or so to do; and if there be any that do not, the defaults shall be presented by the constables to the justices assigned, and after by them to the king, and the king will provide remedy, as afore is said. And the king commandeth and forbiddeth, that from henceforth neither fairs nor markets be kept in churchyards, for the honour of holy church.*

These enactments comprehend the leading principles of the system by which the criminal law was enforced.

§ 100. The primary principle of the administration appears to have been active and preventive, by inquiry, by watch and ward,

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" autre manere gent,] dunt suspeciun seit qil soient gent countre la pes, si en facent " les baillifs dreiture. E desoremes est comaunde, qe veylles soient fetes, issi cum " auncienement soleyent estre, ceo est asaver del jour dela Ascensiun deqes le jour " Seint Michel, en chescun cite sis homes, en chescune porte, en chescun burgh par " xii homes, en chescune vile [en terre] par vj homes, ou iiij solum numbre des genz " qi abitent, e facent [la veille] continuelement tute la nuit del solail rescusse jeqes " al solail levaunt. E si nul estraunge passe par eus seit arestu jeqes au matin; E si " nule suspeciun nè seit trove ange quites; E si em trove suspeciun, seit livere al " viscunte maintenaunt; [e saunz daunger le receive, e sauvement le garde,] jeqes " a taunt qe en due manere seit delivre. E si eus ne se soeffrent pas estre aresteuz " seit heu e cri leve sur eus, e ceus qi funt la veille les siwent o tute la vilee [ove les " visnees viles,] o heu e cri de vile en vile, jesqes taunt qil serra pris e livrez au " viscunte, cum est avaunt-dit; E pur le resteiment de tels estraunges, nul ne seit " enchessune."

* " E bien se gardent desoremes, viscuntes, baillifs de fraunchises e dehors " greignurs ou maindres, q baillie [ou foresterie unt] enfee ou en autre manere, qil " siwent le cri ove le pays; e solum ceo qil sunt eient chevaus e armeure a ceo fere; " e si nul seit qi nel face, seient les defautes presentez par les Conestables as Justicez " assinez, e puis apres par eus au Rey cum avaunt est dit. E comaunde le Rey e " defend, qe feire ne marche desoremes ne soient tenuz en cimetre pur honur de " Seinte Eglise. Done a Wyncestre [le utisme jour de Octobre,] le an du regne le " Rey trezime.

or guardianship. It was only, secondarily, repressive by apprehension and punishment. The principles of the conservancy of the peace are thus stated by one of the earliest of our text-writers :—

Lambard states, "The conservation of the peace standeth in three things; that is to say, first, in foreseeing that nothing be done that tendeth either directly or by means to the breach of the peace;" which, as he afterwards explains, he applies in the widest sense to every disorder: "secondly, in quieting and pacifying those that are occupied in the breach of the peace; and, thirdly, in punishing such as have already broken the peace."

§ 101. The first duties required and specified in the oath of office of the constable were those of watch and ward, which are thus specified by another early authority.

(Edward I. cap. 4. Dalt. cap. 60. fol. 140. Poult. Watch. 1.) A watch is to be kept in every town, parish, village, and tything, every night from *Ascension* till *Michaelmas*, from sunset to sunrise, which the constables, &c. must constantly cause to be set, and that by two or four men, according to the greatness of the place.

(1 Dalton, cap. 60. fol. 140. 5 Edward III. 14. 5 Henry VII. 5.) These watchmen are to apprehend and examine all strangers that pass by them in the night, and if they find cause of suspition in them, then they may secure them till the morning; and if the parties refuse to obey the watchmen, they may levy *hue and cry* to take them; and upon their resistance the watchmen may justifie the beating of them, and set them in the stocks or cage till morning; and then if no suspition be found in the parties, they may let them go. But if there be found suspition in them, then the watchmen may deliver them to the constable or tythingmen, &c., who is to convey them before a justice of the peace, who after examination of them may bind them over, commit, or acquit them as he shall see cause. These watchmen are also to apprehend all such as ride or go armed, and all rogues, vagabonds, noctivagants, nightwalkers, evesdroppers, scouts, and such like.

(Dalt. J. P. cap. 60. fol. 141.) These three particulars following have been held for law concerning watches, *viz.:*

1. The watchmen must be men of body, well and sufficiently armed, (*not with a prong, as the country fashion is.*) And no man is compellable to watch, unless he be an inhabitant within the same town or parish, where he is required to watch.

2. Such as are inhabitants within the town are not compellable to watch at the will of the constable, but onely when their turn comes, according to the use and custom of the place, which is most commonly by turn or house.

3. Dalton, *ibid.* It hath been held by some, that if a man who is compellable to watch shall contemptuously refuse to watch upon command of the constable, that in such case the constable might *ex officio* set the party in the stocks for his contempt.

§ 102. His next duties were preventive by the exercise of the functions of inquiry. He was bound that he should "due presentment make" at the assizes, sessions of the peace, or leet, "of

all bloodsheddings, affrays, outcries, rescues, and other offences, committed or done against the King's Majesty's peace." Such presentments were also made before coroners. Some of the minor details in which the constable was bound to exercise the function of inquiry, are thus stated in the articles on which the constabulary were required to make return at the sessions:—

They are to return the names, sirnames, addition of names, and qualities of all such persons dwelling or residing in any of their said parishes, liberties, or precincts, as shall continue drinking or tippling in any inns or alehouses at any time, and more especially upon the Lord's days or holidays, and such persons as they shall find drunk, and all such innkeepers and alehouse-keepers as shall entertain them.

Item. Such persons as suffer any unlawful games to be suffered in their houses, &c., or gardens, and also the names of such as shall play at any of the said games.

Item. Such persons as divide their houses into several tenements, and such as do entertain inmates who may be an annoyance to their neighbours, or likely to bring charge upon the parish.

Item. The defaults of petty constables and tythingmen, &c., for not causing rogues, vagabonds, and beggars to be duly apprehended, punished, and passed, according to the statute.

Item. All masterless men and women living at their own hands, such as are idle and will not labour, and can give no good account how they get their living; all suspicious persons, whores, noctivagants, or nightwalkers, and mothers of bastards, which may be chargeable to the parish.

Item. Of the defects in the highways and bridges, with the names of such as should repair them, and have neglected or refused to do their duty.

Item. The names of all such persons as keep any hogs to the common annoyance of His Majesty's subjects, in or about such liberties, places, and precincts where hogs ought not to be kept.

Item. All such bakers as put light bread for sale, and the weights thereof; and such brewers as sell beer or ale to unlicensed alehouse-keepers.

Lastly, all such persons as can prove or testify any of the said offences are to be warned to appear before the said justices at their sessions or meetings aforesaid, to testify their knowledge of such offences of which they can give information.

§ 103. It will be found that the function of inquiry was shared as a principle of action of the whole executive agency for the preservation of the peace. It is specified in those of the later commissions of the justices of the peace, which invested them with the distinct functions of conservators of the peace and charged them to inquire diligently respecting offences committed, implying functions, like those of the coroner, of inquiry on the occurrence of an infraction of the law, *i. e.* inquiry before the offender is ascertained or apprehended, as well as the judicial functions of hearing and determining on the sufficiency of the evidence. So the main function of the grand inquest or jury, instead of being

the *quasi* judicial function of hearing the evidence brought before the jurors, was that of active inquiry and pursuit, as public accusers and prosecutors. Besides the usual presentments made at leets, Commissions were frequently issued to inquire into infractions against the statute of Westminster, Winchester, and Northampton, and we may take the liberty of observing, that the practice of issuing Special Commissions by the supreme executive for administrative purposes,* as well as for purposes of inquiry, is one of the earliest and common constitutional practices, the commission of the peace itself being a leading instance. The ordinary machinery by which the function of inquiry was brought into operation was simple yet complete and efficient. The constabulary made inquiries and presentments to the justices; the justices of the counties reported all defaults, sometimes directly to the king or to the privy council, and at other times to the justices itinerant; and the supreme executive authority, as we have seen, was responsible for providing a remedy in behalf of the community.

§ 104. The functions of the various inquests were aided by the inducements given to the party injured, or to persons in possession of the facts to communicate them to the authorities. This object was accomplished by holding out on the one hand compensation from the hundred, or from the offender in case of conviction, and on the other hand punishment for misprision, *i. e.*, for any neglect or wilful omission to give information that might have led to the pursuit or conviction of the offender.

§ 105. The responsibility of the neighbourhood where the offence was committed to the supreme executive authority for making "fresh and quick pursuit," was another principle of penal administration, which came in aid of the inducements last stated. That it was at times efficiently applied, appears from the cases in the year-books, as well as from the Exchequer and other records, from which we cite the following examples of ordinary entries:—

* *E.g.* Patent 51 Edw. 3. m. 41.—"Edwardus Dei gratia Rex Angliæ et Franciæ et dominus Hiberniæ dilectis sibi Johanni Herlyngton, Radulpho Gamel, Willielmo Pechel, Waltero Pigge, Hugoni Feukson, et Willielmo . . . . . de Yakesle salutem. Sciatis quod concessimus vobis in auxilium dictæ villæ et viarum eidem adjacentium paviandæ, quod a die confectionis præsentium usque ad finem trium annorum proximo sequentium plenarie completorum capiatis in dicta villa consuetudines subscriptas, videlicet, etc. Et ideo vobis mandamus quod prædictas consuetudines usque ad finem termini prædicti capiatis sicut prædictum est; completo autem termino dictorum trium annorum dictæ consuetudines penitus cassentur et deleantur." The following is another example of such Commissions:—m, 7. "Rex dilectis sibi Willielmo Maygard, Willielmo Smith, de Heghegate, et Willielmo Smyth ne Iseldum salutem. Sciatis quod concessimus in auxilium regiarum stratarum a civitate nostra London usque Heghegate reparandarum et emendandarum, quod a die confectionis præsentium usque ad finem triumannorum proximo sequentium completorum capiatis apud Le Heghegate et alibi in regia strata nostra in hac parte ubi melius expedire videritis, consuetudines subscriptas, videlicet, &c. . . . Et ideo vobis mandamus quod prædictas consuetudines usque ad finem termini prædicti capiatis ut prædictum est completo autem termino dictorum trium annorum dictæ consuetudines penitus cessent et deleantur."

Exchequer, vol. i. sect. 14. For not making pursuit or hue or cry:—

Item. Walter le Taverner was amerced for that cause.

—— The town of Langeburg, the town of Ospring, the hundred of Westgate, William Torel's town of Yle, and the provost of that town, the town of Childon, and several other towns for the like.

—— The citizens of Lincoln fined fifty marks for suffering a robber to escape, &c., and the men of Colchester for the like.

—— The towns of Roch and Newbiggen were amerced for failing to pursue (and take) one that had killed a man. Mag. Rot. 16. H. 2.

—— Ralf le Norreis was amerced for not taking a certain thief whom he could have taken: the town of Kenerby for not bringing forth to answer one that was accused of a breach of the peace. H. 2. R. 1.

—— The hundred of Falesley was amerced twenty marks for a murder; the sheriff of Hantshire levyed it, and answered it to the crown. The hundred of Clere was amerced for a murder.

—— Sussex, 16 Edward I. Homicide, committed in a fray; the offender who had stabbed his adversary, a butcher, takes refuge in the church of Crawley and abjures the realm; townships of Crawley and Hurst amerced because they did not make suit.

—— Murder and robbery; the offender takes sanctuary in the church of Shoreham and abjures the realm; township of Tyndon amerced because it happened by day and they did not take him.

Item. A quarrel in an alehouse at Hodley in which a man is struck on the head and dies four days afterwards. The offender escapes, and all the persons present in the alehouse are amerced because they did not secure him.

—— 6 Edw. 2. Kent. Wrotham Hundred. A robbery and murder committed by an inmate or lodger, who kills the wife of the master of the house, and carries off the goods and chattels, is taken, then flees away; and because this happened by day and the township of Ightham did not take him, therefore, in mercy "*ideo in misericordia.*"

—— Manslaughter (upon a sudden quarrel) committed in the highway of Wrotham; three bystanders amerced because they were present when the aforesaid Robert killed the aforesaid John, and did not take him.

—— Bishopsburne. Manslaughter also upon a sudden quarrel committed in the highway; and because it happened by day and the borough of Bishopsburn did not take him, therefore in mercy. Afterwards it is attested by the jury that Ralph Colekin and seven other bystanders were present when the aforesaid John killed the aforesaid Thomas, and they did not take him, therefore in mercy.*

§ 106. It will be seen from these extracts that the duty of

* "Et quia hoc evenit de die et *Borgha de Bishopesburn* non cessit ipsum ideo in misericordia. Postea testatum est per duo dicum (*i. e.* the jury) quod. Radulphus Colekyn presentis fuerunt ubi prædictus Johannes occidit prædictum Thomam et non cesserunt eum, ideo in misericordia."

apprehending an offender was cast upon all the king's lieges as a general principle of the commonwealth. The patria or *visné* by whom the offender was tried, was bound to use every diligence for the purpose of bringing him to trial, and the same obligation was imposed upon every bystander in his degree, or according to his opportunity.

Sir Thomas Smith observes, as a matter of praise in his days (temp. Eliz.)—

> That parish which doth not his dutie, but letteth, by their negligence, the theife to depart, doth not only pay a fine to the King, but must repay to the party robbed his damages. So that every English man is a serjeant to take the theife, and who sheweth negligence therein do not only incurre evil opinion therefore, but hardly shall escape punishment.

§ 107. The powers of the agency, for the enforcement of these principles, appear to have been efficient and well defined, and for the most part the separate jurisdictions were kept in well-connected subordination.

§ 108. Of the agency of the supreme executive authority the constabulary was the most numerous force, and came into immediate contact with the lowest classes of the people. The other intermediate officers of the executive,—the shirereeve, the burghreeve, and the supplementary officers, the officers commissioned as the conservators of the peace,—may be all considered as agents for similar purposes, and forming together the executive power of each county, and ultimately of the country. We need not specify the multifarious functions, civil as well as penal, imposed upon the constable. We shall merely observe that it appears to have been found necessary to concentrate upon him various classes of duties, from its being inexpedient or impracticable to appoint new sets of officers for the performance of new classes of duties required in the progress of society or legislation. Among these duties were those of acting for the protection of the revenue by the seizure of contraband articles, or by aiding the collectors of hearth-money or other taxes.

§ 109. Strong presumptions of the efficiency of this machinery are, we think, afforded by instances of the vigorous and effectual pursuit of traitors by the sheriff and the constabulary, on the occasions of unforeseen rebellions, and also by the suppression of disturbances raised by armed rioters. We indeed see no reason for doubting that, when this machinery was moved by the firm determined hands which have heretofore wielded the supreme executive authority, when aided by the responsibilities by amerciaments to the Crown, and the obligation to make compensation to the parties injured, there was often fair cause for the praises of the chroniclers for "the good peace maintained in the land," when "lust and violence received the severest

punishment;" periods which were characterised by the proverbial expression, "that a man might travel with his bosom full of gold without scath or harm."

§ 110. The earliest selection of the constables proves that the estimation in which their functions were held was commensurate with their importance. In the 17th chapter of Magna Charta the constable is mentioned next after the sheriff, and before the escheater or coroner, officers of importance and dignity:—"No sheriff, constable, escheator, coroner, nor any other bailiffs, shall, &c." If a popular poem may be quoted to show the popular estimation in which the office was regarded about the year 1380, it would appear to be as high as in the document cited. In one passage of the poem it is said—

> Shal ne knyght, constable, nor mayor
> Overbade the common, ne to the court summon,
> Ne put hem in panel to done plight her truth.

§ 111. Sir Thomas Smith, speaking of the constables, and referring to their former condition, observes—"It may appear there was a credit given unto them, not altogether unlike to that which is now given to justices of the peace."

§ 112. Coke gives the following specification of the legal qualifications of the constable:—

See Coke, 8. 43. Every person that is chosen to be a constable ought to be *idoneus homo*, a man apt and fit for the execution of the said office: and to be *idoneus homo* the law requireth in him three qualifications, *viz.*:

1. *Honesty;* to execute his office truly without malice, affection, or partiality.

2. *Knowledge;* to understand his duty what he ought to do.

3. *Ability;* as well in estate as in body, that so he may attend and execute his office diligently, and not neglect the same through want or impotency. For such as are chosen out of the meaner sort are either ignorant what to do, or stand in awe of the greater; so that they dare not do what they ought, or else are not able to spare time: therefore they ought to be chosen out of the better sort of parishioners, and not either by the house or other custom.

If a man be chosen constable, not able and qualified as aforesaid, he may be discharged of his said office by law, and another fit man appointed in his place.

Co. 8. 42. If leets choose unable or unfit petty constables, it is cause of forfeiture of the leet, and such choice is void.

Lord Coke also says, "that constables are by the common law conservators of the peace, and may take surety of the peace by obligation."

In the Appendix we have given a statement of the earlier provisions for the preservation of the peace, compiled by Mr. J. Duffas Hardy, of the Record Office in the Tower.

§ 113. The high position of the office is further marked by the duties assigned to the constable in respect to watch and

ward, by the power with which he was invested of appointing watchmen for the towns, and by the heavy fines inflicted for neglects, fines which could only be paid by a person of substance. On the 14th Edward II., a Commission was issued to try certain persons who had assaulted and maimed a constable in the execution of his duty. The Commission was issued on account of the enormity of the offence, and because he was an officer of the King.

§ 114. Whilst adverting to the earlier constitutional arrangement, for the preservation of the peace of the country, we may notice that in connection with the topic of the pursuit of criminals, and so much of the prevention of crime as depends upon certain prosecution, one subject strongly pressed upon our attention has been the necessity of recommending the appointment of public prosecutors. From all parts of the country we have received suggestions of the necessity of providing for the appointment of some officer to prosecute those cases in behalf of the community at large, "in which no individual has any special interest, and in which the community has a special interest of its own, superadded to that of individuals." The existence of an officer in Scotland, the procurator fiscal, who exercises those functions in behalf of the public, and their beneficial operation to the general satisfaction of Your Majesty's subjects of that kingdom, have been frequently cited in support of the representations that such an officer was essential to support the proceedings of any efficient constabulary in behalf of the public, or to complete any efficient system of penal justice.

Concurring in these conclusions as to the importance of such an office, which belongs to every enlightened system of jurisprudence, or every system where the public service is duly provided for, we would state our belief that the prosecution of crimes by a public officer has been provided for by the theory of our constitution, although it has been neglected in practice.

We apprehend that the Grand Jury or inquest by presentments took one portion of the field of penal administration as public prosecutors, and that the Attorney-General exercising the power of filing informations took the remainder, or supplied the neglect of the function of public prosecutor over the whole of the field. The complete exercise of this function was, we think, further provided for by the appointment of King's serjeants, one of whom attends each circuit, and also by the supplementary aid of the Solicitor-General, and afterwards of the King's counsel, who for a time exercised the power of filing informations. In corporate towns and places of exclusive jurisdiction, or having a franchise, the common serjeant was, we conceive, by virtue of his office, the public prosecutor. Some of the functions of the Attorney-General, as public prosecutor, are usually specified in the text-books in relation to his powers of filing informations, which is defined to be "an accusation or

complaint exhibited against a person for some criminal offence, either immediately against the King or against a private person, which from its enormity or dangerous tendency, the public good requires should be restrained and punished." (See Bacon's Abridgement, Tit. Informations.) We apprehend that the common form of proclamation used at this day in Your Majesty's courts of assize, or gaol delivery, may be cited in proof of the constitutional functions of the law-officers of the Crown: "If any one can inform my lords the Queen's Justices, the Queen's Serjeant, or the Queen's Attorney-General, ere this inquest be taken between our sovereign lady the Queen and the prisoners at the bar, of any treasons, murders, felonies, or misdemeanors done or committed by the prisoners at the bar, or any or either of them, let him come forth, and he shall be heard, for now the prisoners stand at the bar on their deliverance."

§ 115. We might, were it in place, adduce much other evidence to show that such offices as those of Attorney-General, or of the Queen's serjeant or counsel, were not created or conferred, as public honours, to reward pre-eminence in a career of private practice and emolument, or merely to mark professional standing, but for the performance of needful public service. The obligation to serve the Sovereign cannot even at this time be dispensed with but by special licence signed by Your Majesty, which is now, however, formal, except as it implies the necessity of a tax or a fee being paid by any private individual who wishes to retain the public officer to defend him against any charge of having committed a public offence. We shall hereafter revert to the subject of the provision which appears to be necessary in respect to prosecutions.

§ 116. As a consequence of the dereliction of the constitutional responsibilities of the locality for the preservation of the peace, we find the local duties in respect to the appointments of the constabulary force neglected; as a consequence of the neglect of those duties, we find the constitutional functions of the constabulary force inoperative, and the most important principles of penal administration abandoned.

The consequences of the abandonment of the primary function of inquiry, which we must again notice in connexion with other subjects of our Report, is seen in the defective information possessed by the superior authorities of the causes, progress, and extent of the evils in question, attended, as a further consequence, by defective arrangements, or by equally inadequate conceptions of appropriate remedies. Within the short experience obtained during the period of our inquiry, we have, on reading the answers to the first of our queries as to the state of the districts, been enabled to predict what would be the proposals of remedies; and from the proposals of remedies we have been enabled to judge very frequently as to the accu-

racy of the knowledge possessed with relation to the facts. Not only is the neglect of inquiry into particular cases marked by absence or defects of proper preventive arrangements, but in those particular cases it is frequently attended by the loss of important evidence, and the consequent escape of criminals. The consideration of the value of the functions of inquiry (or of the precognition, as it is termed in the Scotch law) in one class of cases, namely of suspected murder, in which the function is still exercised under coroner's inquests, will aid the conception of the loss, as regards the chances of detection, in those cases in which the active functions of previous inquiry or pursuit have been generally abandoned. They have been resumed, to a great extent, by the Commissioners of the Metropolitan Police. When any burglary or serious offence is brought to the knowledge of the police, the superintendent or other officer of the division or sub-division where the offence has occurred immediately examines the circumstances, or makes a precognition, and a report upon them and the measures taken in consequence. It appears to be highly desirable that additional powers for securing important evidence should be given by the legislature, and that the principle should be uniformly put into practical operation by virtue of a legislative enactment. The speedy inquiry gives operation to the other principle of "quick and fresh pursuit." The following is an illustration of the practical application of these principles in some of the provincial towns where the regulations of the Metropolitan Police are efficiently followed out. Mr. Sadler, the high-constable of Stockport, examined:—

What measures do you adopt when you receive information that a felony has been committed?—That depends very much upon the circumstances attending the commission of the offence. Of course, on the immediate receipt of the information we visit the premises and examine them, and the persons who reside there. We then immediately (if the property be such as is likely to be pawned, or sold) visit the pawnbrokers, what are called the brokers, suspected places, as receiving or fencing, as we call it, the receivers, all the houses of ill fame where suspected characters reside, and which are known as the residence of persons not employed, and having no apparent means of getting an honest livelihood. We also circulate the information as quickly as possible to the neighbouring towns; we visit the roads and outskirts of the town as far as we can, compatible with the force I have at my disposal, search those places, and ascertain whether any of the parties whom we do suspect have been absent; inquire in the neighbourhood whether they have been seen in or about, or have been away from home in the course of the night, and it may be requisite to send to the Hue and Cry in London, and advertise and adopt any measures that may be expedient.

Are you aware of the ordinary state of things in other towns, either where there is no paid constabulary, or where, there being a paid constabulary, no such measures of precognition or immediate examination

as those you have mentioned are taken, and nothing is done except at the instance of the party who offers a reward, or who, if he himself catch the offenders, brings them and places them in the hands of the constables; have you seen towns and places in that situation?—I have; I have seen our own in a less guarded situation than it is at present, prior to the establishment of the constabulary.

Was that which we have described in this question the state of things there?—It was.

Do you find that by investigating the case of a robbery immediately after it has occurred, you are enabled to secure evidence that, if no investigation took place, you would lose?—Yes.

In what proportion of cases?—In the majority. I have known instances where some time has elapsed before the information has been given of the robbery having been committed to the police, and in which, when an investigation has taken place, the witnesses who have before made statements to other parties not connected with the police, which would have led to the conviction, have been tampered with in the intermediate time, or from the idea that it would be attended with inconvenience, or from mistaken notions of humanity to screen the thief, have withheld that evidence, and the guilty parties have by that means escaped.

§ 117. Satisfactory evidence was given to us not only that the apprehensions of delinquents were more frequent from this inquiry, and "fresh and quick pursuit," but that in consequence of the greater vigilance and immediate securing of the evidence, and its better arrangement, fewer of the delinquents escaped conviction when apprehended. A further consequence ensued,—that better information and aid were given to the police by the public when it was found that a good result might be expected with greater confidence. A reduction of crime was the speedy effect. In the greater proportion of other districts no such steps are taken, and by consequence in the majority of cases important testimony is lost. In general the constabulary only act or pursue on being informed and called upon by some private party. When depredators in gaol have been asked whether they had not been under fear of the local constables after the commission of their offences became known, they have given answers to this effect: "No; not unless a reward was offered;" that is to say, that in the majority of instances impunity was enjoyed by the delinquents. The justices of the peace, and the grand jury, and the various inquests, except the coroner's, are passive, and act only where a casual resentment or a casual sense of duty on the part of the persons injured may induce them to bring forward at their own discretion, and bestow time and labour, or expend money for prosecution, through a grievous and wearisome procedure. The general abandonment of the active constitutional principle of administration is displayed in the answers to our fifth query: "Do the constables apprehend offenders without being spe-

cially applied to for the purpose?" The state to which we find that the penal administration of the country is now extensively reduced is in this respect shortly described in the evidence of the Reverend Thomas Spencer.

What is the particular state of your own parish in respect to crimes of the more serious order, or of the lighter description of offences, and of disorders against the peace of the community?—In our part, if a person's property is safe, it is owing to the good conduct of his neighbours, or to accident, or to the means he may himself use; but it is not owing to any legal protection that he has. I feel that we are, as it were, without the pale of the law; that every man that would be safe must be his own watchman, his own constable, and his own magistrate; that unless he himself takes all the precautions to make his house and property secure, there is no other remedy; and that, unless he himself shall watch his property, and shall take up the offender, shall take him to the constable, shall order the constable to go with him to the next town, and be at the expense of the constable doing that, and shall promise the constable to be responsible for putting the man into custody until he can be brought before a magistrate, shall appear before the magistrate, and reason with the magistrate, and probably give him an indemnity if the case be one of doubt, in fact, do all the work, the man will escape, whatever be his crime; and that, if the offence be small, in nine cases out of ten (and I speak, having put that question to a number of farmers) the man will escape, rather than the persons injured will go to so much expense and trouble at the risk of the ill will, and future revenge and persecution of the man.

§ 118. The County Rate Commissioners' Report in relation to the expenditure furnishes instances of the prostrate condition in which the administration of the law is placed, in respect to the principle of the quick and fresh pursuit of suspected offenders, and their consequent impunity, arising from the want of an efficient agency to execute progress, and from the dereliction of the functions of inquiry and pursuit. One of the consequences of the absence of any general agency is the necessity of employment of a special agency at a great expense, whenever any serious crime is committed that excites attention and stimulates private exertions. The following are instances stated by magistrates:—

In the case of a murder committed in this division last year, that of Mr. John Richardson at Banstead, the magistrates, from the great interest excited, independently of their own sense of duty, were compelled to make long and fruitless search for the offenders, to examine many persons taken up on suspicion (without their authority), and incur inevitable expenses. There was no commitment. The consequence was that the magistrates acting paid nearly £120 for discharging their painful duty, there being no fund out of which the expenses can be paid.

Another magistrate states—

Some time since four persons were brought before me on a charge of arson, and the evidence when given led me to remand the prisoners, in

the full expectation that a link or two in the chain of evidence then wanting would in a day or two be supplied to enable me to commit them for trial. I was rather disappointed, and the persons were discharged, and the expenses incurred in this investigation were defrayed by contributions in the neighbourhood.

Another magistrate says—

Upon inquiry into a charge of highway robbery, it became necessary to employ regular officers to obtain information and to discover the parties charged. In the course of ten days three persons were in custody; the circumstantial evidence was strong, but the night was so dark that no one could swear positively to the persons of the prisoners. My brother magistrates concurred with me in thinking we should best discharge our duty by calling upon them to find bail. The day after their discharge I had bills sent to my house by the police officers for their expenses, and from the parish officers belonging to the cage where the prisoners had been confined pending the examination, for their keep. These bills I had no means of discharging, except out of my own pocket; but had we committed them, whether acquitted or not, these expenses would have been paid.

We could not adduce a stronger proof of the prostrate condition of the penal administration of the country than the great extent of the associations for self-protection to do that which it is the business of a Government to do. From the information we have received it appears that there are upwards of 500 voluntary associations for promoting the apprehension and prosecution of felons, besides very numerous voluntary associations in various parts of the country for the repression of vagrancy and mendicity. Amongst the rules of some of these associations for self-protection, we find rules for mutual insurance by the payment of a part of the loss sustained by depredation: in several of the farmers' associations are rules binding the members, in the case of horse-stealing, to take horse and join in pursuit of thieves upon alarm of a theft having been committed. Hereafter such associations and such rules may be cited to prove that the community in which they arose was relapsing into a state of barbarism.

§ 119. Of the principle of making satisfaction to parties injured, it is to be observed that since crimes, by means of theft and fraud, have succeeded extensively to crimes by means of violence, which admitted of simple means of prevention, the general application of that principle is beset with much difficulty. It must nevertheless be constantly borne in mind that a constabulary, or other agency for the repression of crime, can only proceed upon information given by others; and that the act of communicating such information is entirely at the discretion of the party injured in all those cases where the offence has not been witnessed by any third party. He who has already suffered loss, having in prospect the trouble of a pursuit and a trial (for which the usual allowance of expenses

will frequently compensate very inadequately the pecuniary loss by attendances),—having moreover, as a consequence of giving information, the prospect of the certain loss of any chance of the recovery of the property stolen, will not, for the bare satisfaction of rendering service to the public, which has failed to protect him, willingly incur these additions to the inconvenience already sustained. Compassion is sometimes superadded to the motives arising from the prospect of inconvenience, and more frequently assumed as a cover to them. The escapes, and almost entire impunity of large classes of depredators, even where there is an efficient constabulary or police, is ascribable to such circumstances. In the case of depredations committed upon large amounts of property, it forms one of the chances in favour of the depredator, that, in case of detection, he may, by giving up one part of the property, be allowed under such motives to keep the remainder. It is stated to us as a fact upon good authority, for our information, that respectable bankers have frequently entered into compromises of this nature in cases of theft of their notes or negotiable securities. Recently the public attention was called to a case of this description, where a person, who had embezzled a large amount of money belonging to a populous parish having appeared in court to answer the charge, the prosecution was abandoned by the counsel for the parish, who gave an intimation, recognised by the court, that the parties had entered into "an arrangement," in other words, that the offence was compounded; the money embezzled, or some portion of it, having been returned. Where all effective pursuit is left to the discretion and cost of the injured parties, it is in vain to expect that they will not conduct it to their own purposes, and use all the means it may afford to them of diminishing the injury they have already received. The consequences of the neglect of this principle are often seen in nearly all the courts, in the perversion of the authority of the state of the law to the enforcement of a criminal proceeding or civil private remedy: as where, in the case of a conviction for some personal injury, the judge, from motives of compassion to the sufferer, suspends the sentence until the parties have "spoken to each other out of court;" the object being understood to be to obtain that compensation for the party injured which the popular sentiment suggests, but which the law, from the dereliction of principle, has failed to provide. On his return into court with an intimation that he "is satisfied," the law is usually, in effect, dispensed with, as respects the public offence, by the infliction of a nominal punishment. These motives of benevolence towards the party we find in operation to an increasing extent; in some districts almost to the entire abandonment of the principle, that the question of prosecution for a public offence is not in the discretion of indi-

viduals. In Bristol, for instance, the superintendent of police, on having been questioned as to the impunity of a number of depredators, and as to the general efficiency of the police, the following evidence was given to us:—

You have stated that the magistrates, in the cases of informations for offences committed on the roads, some will and some will not convict. That is to say, that the law is dispensed with in some cases?—Yes.

Does that extend to other classes of cases?—Yes.

Does it extend to the whole range of the Criminal Law?—Yes, in cases of parties not being compelled to prosecute.

Even when you bring a clear and undoubted case before them?—Yes.

And the law is set aside in those cases sometimes?—Yes, in those cases of persons refusing to prosecute. The magistrates do not press that upon the parties as they do in London.

Is that a regular question to put to the parties themselves, whether they do or do not intend to prosecute?—The magistrates will say, "Do you mean to prosecute?" The party says, "I do not want to hurt the man." "I want an answer: Do you mean to prosecute?" "No." I do not recollect a case where the magistrate has pressed, if the party has declined to prosecute.

Will you give us instances of that kind?—I will first hand in a "Return of Felony Cases in which parties refused to prosecute, from 1st April to 31st October."

[This was a return of 201 cases.]

The following are examples. This is a case of felony compounded. I will show, first, how the robbery occurred; then how it was discovered, and then the result:—About 11 o'clock on Saturday morning, the 3d instant (December, 1836), as Police-serjeant, 10, John Hobbs, and Police-constable, 34, Smith, were on the way going out to Dr. Bompass's, at the Fishponds, to make inquiry respecting some sheep that had been stolen, they apprehended two young men with three fowls in their possession, on suspicion of having stolen the same. They were claimed by a man named Jones, at Hanham, whose premises were broken into the night previous, and the fowls and other property stolen therefrom. The prisoners were remanded till the 7th, and then discharged, the prosecutor having received thirty shillings not to prosecute."

And those thieves were let go at large?—Yes; that was in a rural district in Gloucester, and they were known bad characters.—Here is another case of a burglary detected in the rural districts, and brought before the magistrates here. We are very much at a loss to get the magistrates to remand cases. That case of the gold watch was a very clear case—a man with mats offering a gold watch for sale. That was clearly a case for remanding; but the magistrates did not remand. "On Sunday, the 4th instant, Mr. Williams, an inukeeper at Beechley, gave information at the Clifton station that his house had been entered some night previous, and various articles of plate stolen therefrom; and that he suspected a man named Biggs (an old servant), who was apprehended on the 4th, and discharged on the 5th. It was afterwards ascertained that the plate which was stolen was pledged at Gloucester,

and, from the description given of the man who pledged it, Biggs was again apprehended, and committed to Gloucester gaol for trial."

What magistrate committed him to Gloucester gaol?—We took him before the magistrates to get him remanded, and they did not consider that there was sufficient evidence, and they would not remand him. We heard again that the plate was procured at Gloucester, and he was apprehended again and committed by the Gloucester magistrates.

Mr. Burgess, jun. (one of the clerks to the magistrates at Bristol), whom we examined on the subject, stated:—

We understand that it has been the practice here to ask the parties whether they will prosecute?—Yes, it has.

We have before us a Return of 681 cases of charges of felony, made from the 1st of April to the 30th of October, 1837, inclusive. Now the police state that of this number 326 were discharged from various causes, and that in 226 cases the culprits were discharged from the parties refusing to prosecute, and that of the whole mass, only 119 were committed. It is the practice, is it not, invariably for the magistrates to ask the parties whether they will prosecute or not?—Yes, it is the practice.

Is there any considerable number of cases where the magistrates have compelled the parties to prosecute, they expressing their unwillingness to do so?—I think very few indeed. I think a case occurred last week, which is almost the only case within my recollection, where a police serjeant had committed a felony whilst in the execution of his duties. An unwillingness was expressed on the part of the prosecutors to press the case, and the magistrates compelled them to enforce the case; and that was more on account of the situation the man had held than any other ground.

§ 120. Of 201 persons taken in custody by the police for felonies committed, from April 1st to 31st October, 1837, in all of which cases the parties refused to prosecute, it appears that upwards of one-fourth of these, or fifty-three, were cases in which the offenders set at large were reputed thieves. Of these—

1	had been previously in custody		7 times
1	,,	,,	5
4	,,	,,	4
9	,,	,,	3
13	,,	,,	2
16	,,	,,	1
9	,,	,,	0
53	reputed thieves.		

The consequence stated of this course of proceeding, is the impunity to depredators, as admitted by the superintendent in his evidence.

It increases crime. Because those parties committing those robberies go and commit four or five more robberies before they are detected. If they were prosecuted, they would be prevented doing any more mischief.

Speaking of the list of known thieves living at large in Bristol, he states:—

Several of those thieves have been in this situation brought before the magistrates, and let off in consequence of the refusal to prosecute. That makes up the thief's chance with impunity. There is no doubt that there are a great many cases that are discharged in consequence. That would not be so in London—there would not be so many by two-thirds—there being no compulsion here upon the prosecutor.

What are the common calculations of the thief in this matter, that if he is taken into custody he can prevail upon the parties not to prosecute?—At least one out of five, as his friends frequently prevail upon the parties not to prosecute; and if a poor man, they give him money.

Have you known that to be done frequently?—Yes. I am of opinion that several of the parties have been in the habit of acting in that way, and that it very much existed in the old system, working round the officers, as parties have come to me and to my inspectors to endeavour to get affairs of the kind settled.

Then, before, it had been the practice to make use of the officers for that purpose?—I have no positive proof of it; but I am of opinion such was the case, from similar applications having been made to me. They have said, "Our old watchmen would have done so and so." Then I have said, "Under our new system *we* cannot do that, as we leave it to the magistrates."

What modes have they of prevailing upon the prosecutors—do they send out their wives and children, or anything of that kind?—In general, the mother or father of the prisoner endeavours to prevail upon the parties not to prosecute.

Do you consider that the police themselves are affected by the non-administration of the law—that is, as to its non-execution?—The police are very unpopular, not having those cases that are brought by them punished in the way in which they ought to be by the magistrates—such as placing obstructions in the streets. The inhabitants complain of the police not doing their duty, and when the cases go before the magistrates they discharge them; then the offenders laugh at the police, and the public press cry out against them. If the police were supported by the parties they bring up being convicted according to the law, then we should be able to make the police more vigilant and more efficient than it is.

§ 121. By such courses, by the dispensing with the law, by the refusal to inflict punishment, or by its inadequacy, the operations of any efficient police are rendered fruitless, and, except as to direct watching, paralysed. To give to private individuals the power of determining whether the law shall be enforced or not, is in effect to give them a *veto* on the acts of the legislature,—to give them more than the power of pardoning, and abandoning to them the prerogative of mercy. Your Majesty's prerogative, however, can only be exercised after conviction, and a pardon is a certificate of the individual pardoned having been convicted of a crime,—having been disgraced. The power thus illegally conferred upon individuals of determining whether they will prosecute or not, is a power to dispense with the law and save the

guilty from disgrace as well as from punishment. Where this is not done in so late a stage as the examination before the magistrate, it is in effect done more extensively, by leaving to individuals the initiative or previous business of pursuit.

§ 122. We find that the primary functions of "watch and ward," which form a necessary incident of the duties of the constabulary, have entirely fallen into desuetude, which is ascribable to the dereliction of the constitutional principle of local responsibility to the supreme executive for the prevention of crime. As a consequence of this state of things, we find private watchmen extensively employed by individuals and by associations for self-protection. The state of the old watch, appointed by the parochial or other authorities in towns, has been so frequently set forth in the reports of Parliamentary committees, that we need but advert to it. Where the watch is appointed by associations of private individuals, the conclusion would, *à priori*, be in favour of its superior efficiency. Yet we have not generally found this conclusion sustained by the fact.

§ 123. We have before expressed our apprehensions that the abandonment of the business of protection to the parties themselves would be attended by serious inconveniences, and amongst others creating positive obstructions against the law, of individuals who are allowed to maintain private forces, using those forces against so much of the law as they may find inconvenient to observe. We have found this tendency developed wherever watches maintained by private subscriptions are in use. The men hold themselves engaged for the service of those who directly appoint and pay them, and question as little as they can the propriety or legality of any services required of them. The following may be adduced as an instance.

The municipal authority in the town of Stockport does not appear to have been strong enough to supersede by one uniform, well-appointed, and complete force the various private watches, of which the following account is given by an able witness in the course of his examination :—

What other measures of protection have you in the borough during the night? What proportion of your force is out at night?—Four officers—two in the office, to wait in the office upon any emergency, and two regularly patrolling different parts of the borough during the night. We exchange the men in the office while the others go out.

What other measures of protection have you in the borough during the night?—Private watchmen, by subscription by individuals, or persons in particular parts of the town.

What number of those are there in the borough, do you know ?—The number is never very certain; they fluctuate very much; sometimes there is a greater, sometimes a less number, according to the wishes and opinions of the parties where they live.

They fluctuate with the fluctuating alarms?—Yes, it is very uncertain. They do fluctuate very much. I should think there may be as

many as 33 or 34 in the whole borough; that would be the greatest number.

Thirty-four private watchmen and two patrols?—Yes.

Do you include in this number of private watchmen the number paid for by mill-owners and other persons?—No, I do not include those, but merely persons appointed to watch the streets appointed by individuals generally.

Then in addition to those private watchmen that are watching out at night, and walking the streets, and paid by those persons generally, are there any watching the particular property of the mill-owners? – Yes.

How many do you think there may be of those?—I should think five or six more.

Out of the 30 odd private watchmen whom you know, or whom you see, if they were left to your own selection, how many would you think fit and proper men to appoint?—Not half a dozen of them, and I am giving it the greatest latitude. I have given it greater latitude indeed than I should do. On consideration I do not think there are more than one or two, probably not more. They are paid variously; and over those private watchmen the authorities of the town or borough have no control whatever.

By whom are they paid?—By the individuals who employ them.

Those men are not available for any general purposes at all?—Not any.

In case of any disturbance of any kind that did not affect the property protected by the private watchmen, would they be of any use?—It is optional with themselves and their employers whether they co-operate with the police or not, even if called upon.

Will you state how the system of private watching works?—Very indifferently; I should say anything but well.

Will you describe to the Commissioners in what way?—In the first place, from the improper selection of the men, which depends upon the caprice, or views, or interests of the individuals selecting them; as, for example, in their selection of men who are incapable of performing their duty, individuals who are worn out, from professed and avowed motives of humanity, they find them employment in that line when they can do nothing else. In the second place, as to the character of the men; so far as I have seen, no particular regard is paid to the characters of the parties, or as to their capability for, or adaptation to, the situation of watchmen. So also in the mode of remunerating them; that is very exceptionable: they have no specific salary, but are paid from a number of individuals, and they have in many cases to collect their money from those persons individually, more or less, according to the whim or caprice of the parties who pay them. Then they have no authority as constables; there is no discipline with them, and no organization. Then, in some instances, those who subscribe to private watchmen are themselves receivers of stolen property. I have known this to be the case. Brook, a private watchman in Heaton Norris, told one of my officers that one of his masters had people coming whom he must not report at night.

Then those are private watchmen, convertible to every purpose?—Yes; there are persons whom the police have suspected of being receivers of stolen property who have been subscribers to the private

watchmen; and I contend that those persons would naturally have great facilities for receiving stolen property, from the circumstance of being the employers of the persons who ought to protect the property; and we have had instances of that, in fact, that the watchmen serve to promote depredation in that way.

In Stockport, as a manufacturing town, is there much depredation?—We have many petty felonies, but, considering the extent of our population, crime is not so very extensive; but still we have a great deal.

How many receiving-houses are there that you know or believe to be in the habit of receiving stolen goods?—At the present time we have not more than one or two that we know to be such. We had a considerable number; but we have been fortunate in detecting them, and the parties keeping them have been transported.

In other respects have those private watchmen been made to cover disorders?—Very frequently so. I know that the private watchmen have been frequently employed for the most depraved purposes, directing persons in a state of intoxication to houses of ill fame. I cannot prove that they are paid for that purpose, but there are instances of the keepers of such houses being subscribers to the private watch; I cannot state positively that they have actually been paid. But I know that they have rendered the service I have described.

And are there many such houses in the town?—No, not considering our population; but the watchmen have been made use of to direct gentlemen in that direction, and the inference is that they do not do that without a motive, and that they are paid, though we have no proof of that.

In case you had processes to serve upon any subscribers of this description, or proceedings to take against the subscribers or supporters of the private watchmen of the class adverted to, or their connexions, from what you know of the private watch would you expect assistance or hindrance from them in that service?—I could not expect co-operation and assistance. I do not know that I should go so far as to say that hindrance or obstacles would be directly thrown in the way, but they would be covertly; they would facilitate the escape of the parties.

Then as respects order or as respects patrolling there is no discipline and no security?—Not any. I will give you an instance or two of that. I have for some time paid particular attention to the private watchmen of Stockport as to their remaining on their beats or particular parts for which they were appointed, and I have seen them meet together by two, or as many as three at one and the same time leave their respective beats, go into a public-house as soon as they have cried the time (for that is another evil), I will take for instance 11 o'clock, and remain in the vault or bar till 12, and never go out. I have seen other instances at still later periods of the night, where they have gone in company as many as one or two, and remain together. I have very frequently seen them so very drunk as to be incapable of taking care of themselves; and I have known them to have abandoned their charge during the greatest part of the night successively, without any interruption. We have also had personal complaints, and had great reason to suspect that the watchmen themselves have been the instigators of the felonies committed by prostitutes, that is rob-

beries of men; and that in some instances they themselves have individually committed robberies on drunken persons; and instances of extreme brutality on their part also, in injuring persons, have frequently been brought before the magistrates; and an inquest in one instance has been called, in which a man lost his life, and no other means could be accounted for but that the wounds he received were inflicted by the private watchman. He was a native of Russia. I caused the inquest myself in consequence of it, and had it not been for the prevarication of the witnesses, the watchman would have been tried for manslaughter if not for murder.

It appears that the majority of the persons subscribing for the maintenance of private watchmen are respectable tradesmen and shopkeepers, who appoint in ignorance of the qualifications requisite to protect themselves, and maintain the persons so appointed without any means of superintendence.

§ 124. But the legal functions, if intrusted to private watch, or to persons improperly appointed as constables, are, we find, sometimes used for the purpose of extortion. For example, in the course of an examination of a man named William Whitehead, who made a business of acting as a special constable and as a private watchman, near Stockport, it appeared that the subscriptions having fallen off he gave up the post, but it appeared that the publicans and beer-shop keepers subscribed longer than others. The following is a portion of his examination:—

Did not the publicans and beer-shop keepers keep to Shuttleworth (another private watchman whom the subscribers abandoned) as subscribers the longest?—They stuck by him the same as by me.

That is, they were among the latest who kept him up?—He gave over when it came to five shillings a-week, and I did the same.

But the beer-shop keepers and the publicans, both with him and you, stuck by you as subscribers the longest?—The *beer-shop keepers!* We made them—because if they had not stuck by us we should have complained of them. We made them stick, and they were the last that paid, because they were forced to pay.

In fact you made them pay?—For fear of a worse arrangement taking place, to tell you the truth.

You were paid by them for *not* watching in fact?—No, we did the regular watch. At the same time one did not look so hard after those that did pay as one would have done if they had not paid. I am not going to swear false.

And that was the same with Shuttleworth?—Yes, it was the same with Shuttleworth, and if he were here he could not tell you different I know. As I said before—the new beer-shop keepers, they are owing me money now and the publicans too. They would not say they would not pay me, but that was because they dare not. But when I gave over they never paid me without I took law against them. They would not pay me, so I never was paid. They will not pay anything that they can help.

§ 125. The dereliction of the several elementary constitutional principles adverted to, which appear to us to be essential to any

efficient system of protection, have, we have stated, been attended by a general failure of the duties of the proper authorities in respect to the appointment and control of the constabulary. This result will already have been deduced from the state of crime, and of insecurity of person and property, which we have described. We think it expedient, however, on this topic, to give detailed instances of the tenor of the information we have received from trustworthy witnesses in all parts of the country.

The magistrates of the Newcastle and Ogmore division of Glamorganshire state—

In addition to what we have already stated, we desire to express our opinion that the present constabulary force of this part of the country cannot by any possibility be worse than it is. The office of constable is one which, in rural districts, the hardworking, industrious labourer most earnestly shuns, and it is taken by the indolent and lazy only; by such as prefer earning a shilling or two, by serving a warrant or a summons, rather than by attending to their work. In towns the office is also invariably shunned by the industrious, but is sought after by indolent, low tradesmen and mechanics, who, preferring any occupation rather than their own trades, would prefer running about the country with summonses to remaining at home attending to their business. All the constables in rural districts, with very rare exceptions, are perfectly illiterate, but in towns they are generally able to read and write. There is one circumstance, however, common to both, and which is almost universally true; they regard the fees they earn by the office, not as they do their wages and the profits of their trades (which they apply in supporting themselves and their families, conceiving their families have a claim upon them to that extent, and to that extent only), but they regard the money thus earned as money to which their families have no legitimate claim, and they therefore spend it at public-houses and beer-shops. The whole of the police of this town (Bridgend) has for years consisted of a shoemaker, now aged 62, and a tailor, now aged 41, both of whom are very often intoxicated and cannot in the slightest degree be depended upon.

A magistrate of the division of Howdenshire, in the East Riding of York states—

A constable takes his turn as a duty and a task, and is utterly useless. He fancies his duties confined to his own small township, and won't move beyond it. I have known instances in which the constable has been sent for to quell a riot or disturbance, and he has returned for answer that he could not come himself, *but that he sent his staff by the bearer.* The jurisdiction is too confined. An extensive circuit should be given to a person to make it worth his while to attend to it, who would be up to his business and know the haunts of the idle and vicious characters. Two or three determined rogues might levy contributions on almost any village in this neighbourhood, and carry off all the inhabitants along with them, if they felt disposed to do so. In fact we have no rural police. The worst of characters have lived for years on the plunder of the community, a fact known to every body, yet no one has dared to molest them. With a proper police

such characters could not have remained at large a month. Witness Snowden Dunhill, a name well known in Yorkshire.

An instance of this inefficiency is stated in the return from the Monmouth Union.

In the case of a man who committed murder at midnight, the constable in the tithing of Colegird refused to get up from his bed, though repeatedly and urgently called upon; in consequence the murderer got clear off. I am of opinion that the annual constables are unwilling to exercise their power impartially against their neighbours and acquaintance, consequently the peace is frequently disturbed by serious disorders, without any effectual attempt at repression.

The return from the shire of Craike, in Durham, ascribes the failure to bring offenders to justice to three causes.

1. To a natural dislike on the part of the constables to make exertions, for which they receive no adequate remuneration.
2. To a dread of retaliation on the part of the offenders, should any active measures be taken for their discovery.
3. The natural sympathy between the culprits and officers as acquaintances and fellow-townsmen.

The following are instances of the tenor of the evidence as regards inefficiency from want of intelligence and from want of due interest and responsibility, and from interests opposed to the due performance of the duties in question.

The magistrates of the lower Lathe of Sutton-at-Hone, in Kent, state—

With most country constables there are local feelings and connexions which render them disinclined to an active, or what might appear to them a harsh discharge of their duty, without any inclination to connive at illegal or felonious practices.

The magistrates of the division of Pevensey, in the Frant district, say—

Our constables are appointed at leets for hundreds. They now attend eight sessions in the year at Lewes, 22 miles distant, for which they receive no pay. All they get are the expenses on a journey with prisoners on committal. It is too much to expect that a poor mechanic will travel from the centre of our parishes four or five miles as a constable to watch these beer-shops, nor at all times would it be safe for him to do so.

The return of a magistrate at Bromley suggests that—

It is not very likely that a keeper of a chandler's shop would unnecessarily visit his customers' houses to look after thieves, or to make them shut their houses. I have ordered them to go; one did, the other did not: the one who went sat himself down in the house, and called for beer.

The magistrates of the division of Halton, in Bucks, state—

Often the very great reluctance on the part of constables to execute their warrant, from fear or prejudice, causes the offender to be at large. For instance, the constable of Wendover, William Haycock, has had a warrant to apprehend Stephen Brandon about 12 months, and has

according to his own account seen Brandon often, and has not apprehended him.

The magistrates of the Leath Ward division, Cumberland, state—

That the custom of selecting the constables afterwards appointed by the justices is by house-row; therefore, persons of all classes must necessarily serve the office, those only being excepted who are exempt by law. Some are allowed to find substitutes. Keepers of beer-shops and other unfit persons have often been appointed by the courts leet.

In answer to the query, "What is the number of constables in your division, and how are they appointed?" the magistrates of the petty sessions at Alfreston, in Derby, state—

About 14, appointed generally by the inhabitants of the parishes and townspeople; and, in almost every instance, persons quite unfit and afraid to perform the duties of the office.

Mr. Disney, a magistrate acting at Ingatestone, Essex, observes—

The appointing constables as done now, with every inducement, from connexions, &c., to neglect or favouritism, is the prominent evil of the present system; there never will be an efficient protection till the constables are made responsible to a system of superiors, for omissions as well as commissions.

The magistrates of the Newnham district, Gloucestershire, state—

That the constables are appointed from courts leet or hundred courts, and are generally chosen from the lowest class of tradesmen, without any regard to their fitness for the office.

Of the magistrates' returns as to the appointments we shall only insert the following from the magistrates of the Edmonton division of the county of Middlesex—

The cause of the failure to bring offenders to justice appears to me twofold: 1st. Constables are appointed from amongst little tradesmen or labouring men, who cannot afford to neglect their business, and will not lose time in looking after offenders, unless they have a reasonable prospect of being paid. The parishes refuse payment for anything done within the places for which the constables are appointed. There is no longer any magic in a constable's staff, and those officers are not only often unpaid for their loss of time, but are frequently very roughly handled by criminals. The majority of bye-standers, when called upon, will not assist constables, but sometimes help the culprit to escape. 2dly. The want of a public prosecutor, and the journies to London and back, before the grand juries, and again at the trials, and the detention for days in London, before and at the trials, to which prosecutors and witnesses are compelled to submit, deter many persons from appearing against offenders, and often induce them to put up with the losses and injuries they sustain.

The return from the parish of Speen, Newbury, Berks, states—

Three of the constables of this parish are reputed drunkards, and one is brother of a beer-house keeper, whose house is notoriously disorderly.

It appears to me that the present way of appointing constables at the courts leet is decidedly bad, the fitness of the party is seldom or ever inquired into, in fact, the nomination rests with the retiring constable. These courts are not annually held in every manor, one in our parish has not been held for six years; the constable, of course, holds his office until the next court, which may not be for many years to come: in another manor in the parish a court has not been held for three years, and the constable appointed having left the parish, his district is without an officer.

From the parish of Winkleigh, in the Torrington Union, the answer states—

The constables are frequently the masters of inns or beer-shops, whose interest is more to encourage than to detect crime.

The return from the Droxford Union, in Hants, states—

It appears desirable, for the sake of order and better security of property, that an efficient system of police should be adopted and placed in respectable hands. For the last 20 years and upwards, the only persons who would undertake the office of constable have been men of idle habits and no character.

The return from the city of Lincoln states, with respect to the constabulary in that part of the country—

Rural parochial constables are generally very ignorant men, and useless for the purposes of police; all kinds of evils necessarily arise out of this state of things. As a specimen of their ignorance, it may be mentioned that one of them a short time back brought two men in handcuffs to the police office at Lincoln, for a trifling squabble and assault in the country, which he did not witness, and without any previous information or warrant.

One witness gives the following instance of the state of the constabulary of Somersetshire:—

Some time ago, at between three and four in the morning, a farmer on the Mendip Heights went into a field to attend his sheep, and after being a short time there, he perceived two men going into the field, and putting a halter on a horse's head, mounting it, and riding out on the high road. He immediately mounted his horse and followed the men to a public-house, where he saw them stop. He rode as fast as he could to the public-house; the men were then in the act of drinking beer. He told the man at the public-house, who was a constable, that there were two suspicious people in his house who had taken a horse out of 'Farmer So-and-So's field, and that he ought to detain them. The man said, "I cannot do it, I have something else to attend to; I have my brewing to attend to to-day; somebody else must do it." The farmer remonstrated. He said he could not do anything in it. The men left the house, and the farmer followed them to another public-house farther on. The excuse that the man made there was, that he had his cattle going to the fair, and that he could not give up his time; that he was not sufficiently encouraged, or something of that sort. The farmer, determined not to lose sight of the men, mounted his horse again, and followed them, when they were detained at length by a police officer and another man.

The following is a portion of the examination of Mr. Burgess, the governor of the county gaol in Cheshire, with relation to the state of the parochial constables of that county :—

With regard to the township constables, have they not frequently an interest in allowing or winking at petty depredations?—Yes. I know frequent cases in the villages where there are respectable men who are forced to take the office in rotation. I would ask, Sir, any one who, being a respectable man, marries a girl in a station of life equal with his own. It is not every one in a family that does well. There are very few families in which there are not one or two scape-graces among them. Thus, if you happen to be uncle or other relative to a man who hath committed an offence, you will not take active means to detect him, or get up a case against him. Another person comes and tells you a man has committed an offence, you are serving an office forced upon you, the relatives and friends of the offender are frequently customers of your's,—you will not take the thief. You will not, even if forced to take the man into custody, take any active measures to get up a case against him. Anybody who is in the habit of attending courts of justice must observe the difference of a case brought forward by an uninstructed though well-intentioned person, and an active man who knows his business; the man forced into office will bring forward his case in a slovenly manner, and justice is often defeated through it. For instance, by not searching the man when you take him, or many little acts which a constable has it in his power to do.

Have you had any instances of serious offences where parties have escaped from justice, in consequence of the connections of the constables operating in his favour?—Yes, I have no doubt I have had such cases. I know a case of arson, where the township constables did all they could against me, and the magistrates who investigated the case will bear me out. Almost every one in the township worked against me as much as they could, but the man was convicted and executed.

§ 126. The general answers in the confessions of habitual delinquents to the question, "Were your practices and pursuits in any way influenced by the fear of the constables?" are confirmatory of the evidence we have cited, and exhibit in a striking manner the prostrate condition of the force.

We never feared meeting the township (*i. e.* parish) constables, for they never would have searched us, but would have been glad of a hare or aught else we would give them; but if we heard of a county (*i. e.* a trained) constable being in the neighbourhood, we would hide ourselves for the day in some hay-loft or barn, or such like place.—J—— B——, aged 22.

I feared the constables (meaning the paid constables) both before I had committed a depredation and after, and went into the country to get out of their way.—G—— A——, aged 19.

I was obliged to do my work a deal cleaner in a large town than in smaller ones. I never thought much of constables in a small town.—T—— K——, aged 22.

No. We never went to any large town, and we did not think anything of country constables. We have given the constable a glass if we met him in a public-house.—W—— P——, aged 14.

I never was afraid of the constables in country towns. In large towns I never did much, and always kept out of the way.—J—— R——, aged 17.

Certainly. I was always afraid to meet those (meaning the paid constables) who knew me, especially as they knew my line of life.—T—— W——, aged 23.

In twelve examinations returned by the governor of the Essex county gaol, and in each of the twelve, the question is answered by "No" or "Not at all."

I was never much in fear of the constables; they never said anything to me unless there was a warrant out.—W—— C——, aged 22.

If I met some of the constables (*i. e.* trained) in Manchester, they were sure to search me. I always got out of the way if I could.—J—— H——, aged 19.

I was afraid of meeting the old knowing officers at Liverpool; they knew me and used to frisk (search) me.—J—— B——, aged 20.

I was afraid of them (*i. e.* the paid officers) in large towns, but I cared very little for them in small towns.—T—— J——, aged 17.

Not much in the country towns; the people in the lodging-houses would put us up to them. When we have gone into a country fair we have offered the lower order of constables drink and money, and some of them have taken it; but the town constables would pull us directly if we tried it.—J——H——, aged 37.

In other confessions obtained from habitual depredators they represent, that when the paid officers did not choose to be at the trouble of taking them into custody, they frequently put an end to their operations by putting the unwary on their guard.

§ 127. But we have received from clergymen in the rural districts the strongest representations of the absence of due protection from the neglects of the leets to appoint proper persons as constables, and of the magistrates to enforce the law in that respect. (Ante § 112.) The clergy made complaints of the disadvantages under which they act, when impunity is given to crime by the neglect of due civil arrangements for ensuring punishment of those offenders against whom punishment is otherwise denounced uselessly. The tenour of these complaints may be represented in the language of the Archbishop of Dublin, who, in the course of a letter to a minister of state on the subject of another branch of penal administration, states—

I found myself long since, as a parish minister, inculcating moral conduct under circumstances unfairly disadvantageous; when the law afforded not only no adequate discouragement of crime, but even in many instances a bounty on it.

After representing the consequences of this state of things, he proceeds—

When all this, I say, came under my own observation, I could not feel and teach that Government answered its end of being "for the punishment of evil doers, and for the praise of them that do well," while its enactments produced on the contrary rather a terror to the good than to the evil. And I could not but feel that, not only as a

member of the community, but as a minister of the Gospel, I had a right to complain of this counteraction of my efforts to diffuse morality.

The condition of the ministers of religion in many of the rural districts is depicted in a recent communication from the Rev. J. Wilson, the minister of Folkingham.

Folkingham is a market and post town, distant from any other market and post town nine miles; hence it becomes the centre of a little circle surrounded by a number of small villages, and consequently becomes a place of some importance in its district. It contains a population of between 800 and 900, and the House of Correction for the parts of Kesteven. It has no resident magistrate, incumbent, or influential inhabitant. If any active influential person is wanted to interfere amongst the disorderly beer-houses, to suppress cock-fightings, drunkenness, pugilistic combats in the market-place, or any other outrage, there is none to be found, since the more respectable inhabitants are farmers, who are ignorant and know not how to proceed, or tradesmen, who are afraid to offend some customer; consequently, the whole of this unpleasant task, for the good of society and morality, devolves upon me as the resident minister and curate, much against my wish. The constable I have to aid me (we have only *one* constable appointed) is a *quiet*, ignorant, inoffensive, infirm farmer. He was elected to the office without his knowledge or consent, and decidedly against his will, by the other farmers who attended the vestry for that purpose. They allow no salary to the constable, but keep changing him annually, and so pass the office from one to another, each one, *if* willing to act, quitting it before he is fully acquainted with its duties. Our present constable has never acted, and declines to act: he has been sent for to quell riots in the streets, to take up insolent vagrants, drunken brawlers, fighters, &c., but to no purpose. One Sunday, as the people were entering church, a drunken wretch prostrated himself in the churchyard against the church-door, as a disgrace and a nuisance to respectable females and others. The quiet, ignorant, infirm constable was sent for, but nothing could induce him to move or to act. I am fully aware he is liable to be fined for his refusal to act, but I also know the office has been improperly forced upon him, and his thorough incapacity and unfitness by nature to discharge it. I cannot, therefore, as his clergyman, urge the law to mulct him, since it is a constitutional inability that unfits him, and there is none other in the parish to notice his dereliction; and so we are left as a parish unprotected and unsupported by constabulary force. In case of crimes of an aggravated character, as thefts, burglaries, incendiaries, murders, &c., we are alike defenceless. Unfortunately, we have five fairs here in the year; and this brings all the refuse and scum of society into the place. Against the insolence and injury these despicable characters may commit on the more quiet, and peaceable, and respectable inhabitants, we have no guardian officer to whom we may apply with any prospect of obtaining protection, support, or assistance.

The Rev. Dr. Wrench, the minister of Salehurst, in Sussex, states in the course of an examination—

A respectable old man, who is a pauper, from being too old to work, complained to me, as minister of the parish, some time ago (and the

complaint has been reiterated a dozen times by others), that he could not pass through Robertsbridge, on Sunday especially, without being insulted by a number of idle persons assembled in the street. It was stated that they most particularly molested and insulted females, and made insolent observations in passing them. I immediately made application to our constable, who was a butcher. He said, "You cannot expect me to remove these people; you do not assist me in my business; you do not deal with me; these people are my customers, and I shall not disturb them." His assertion that they were his customers was a mere excuse.

§ 128. We may here observe that we find the neglected state of the constabulary accompanied by corresponding defects in other connected arrangements, such as the arrangements for the safe custody of offenders. The state of several districts in this respect is displayed in the following answers from magistrates in the county of Sussex.

The magistrates of the upper division of Lewes rape state, that—

There are no lock-up houses within the division, which is a source of great inconvenience.

The magistrates of the Trant division state—

That in case a prisoner is remanded for further examination, there is no efficient place nearer than Lewes (23 miles). There are cages in several parishes, but never used, being unsafe.

D. Rowland, Esq., and S. Grace, Esq., residing in the Pevensey Trant district, in reply to the query 39, In case a prisoner is remanded for further examination, in what place and manner is he secured, and to what distance is it necessary to send him to a place of legal confinement? state—

This is a very material question. We have no lock-up house. For 20 years we have been compelled to hire a man and handcuff him to the prisoner, and they are obliged to live at a public-house. The two incendiaries we before noticed were each locked to men hired for the purpose, and kept, at a serious expense, 10 days, separately, in different houses. The evil is of the greatest magnitude; for it defeats all endeavours to discover the authors of crime, by the publicity it gives.

§ 129. The defective arrangements for safe custody are not confined to the want of appropriate buildings, but, where adequate buildings exist, there are seldom proper officers appointed to act as keepers. Some of the consequences of the neglects in this respect are displayed in a communication made by George William Newton, Esq., magistrate for the counties of Derby, Chester, and Lancashire.

On Wednesday, 16th of July, 1823, William Wood, of Eyam, Derbyshire, was robbed of 70*l.* in cash, and murdered in broad daylight, between five and six o'clock P.M., in Whaley, in the parish of Taxal, Cheshire, by three youths, strangers, who proved to be thieves from Manchester, distant from Taxal 18 or 19 miles. I immediately communicated every particular of this case to Lavender of Manchester, who

received information of the murderers the following afternoon, the 17th, but succeeded in taking only one of them (Taylor), Platt and Dale having escaped by the back door of the public-house.

On Lavender charging Taylor with the murder he at first stoutly denied it: but on being locked up he sent for Lavender and confessed all about it. But soon afterwards committed suicide by hanging himself from the stove pipe in the cell where he had been locked up *alone*. Dale was subsequently apprehended at Liverpool and convicted, and afterwards executed for the crime at Chester. Platt has never since been heard of. A second instance of suicide has occurred in the same lock-up cell from the same stove pipe, the particulars of which I know not, as the case did not fall into my hands.

The body of the murdered man Wood was found, not quite cold, by a township constable of Whaley; Taylor, Platt, and Dale passing the night at Buxton (no pursuit being made after them), and returning the following morning via Macclesfield to Manchester.

A circumstance occurred while Mellor and the other witnesses were at Chester on Dale's trial which I will mention, as indicative of the sort of men township constables not unfrequently are. The ostler at the inn where they put up was found dead in the privy at noon, and on this being told to Mellor, "Yes," he said, "I saw him dead *there* three hours ago, but I have had trouble enough in finding one dead man. I'll be —— if I ever find another."

Again, on the morning of Saturday, 18th February, 1826, before daylight, a man named Ellis was robbed and left for dead on the road near Disley, Cheshire, by an Irishman named Macdowal, and robbed of his *watch*, &c. &c., the number of which, and all particulars of the case, I instantly communicated to Lavender of Manchester, and Millar of Liverpool; and in a day or two afterwards he was apprehended by Millar, having offered to pawn the watch in Liverpool. He was convicted and executed at the spring assizes at Chester, 1826.

Another case which came before me was that of a boatman named Hill, from near Halifax, who was brought to me at Hayfield in Derbyshire, and by me remanded, on a charge of horse stealing to the lock-up at Tideswell, in Derbyshire. I gave strict orders that he should not be left *alone*. These orders were not attended to, and the keeper found him strangled the next morning by means of his stockings and garters, from the bars of his prison window, which were too low to admit of his suspension from them. He was found on his knees, and must have used great force before he could by any possibility effect his purpose of self-destruction.

But the most determined act of suicide in a prisoner which has come to my knowledge, was that of Thompson, tried at Lancaster for horse-stealing, and found guilty, but removed after trial by habeas corpus to Chester, the grand jury having found a true bill against him for the murder of a woman at Compstall Bridge in Cheshire. When removed from the prison at Liverpool, where he was first taken, to Lancaster castle, Barratt, the Stockport constable, perceived some *small* spots of blood on his shirt, and stripped him, and found on him a piece of sharpened glass with which he had pierced a vein in his arm. (He had been locked up ALONE.)

On his reaching Lancaster Castle, he jumped, heavy ironed as he

was, from the coach, and endeavoured to kill himself by a fall on the stones, but did not succeed. After his conviction there, and in his way to the assizes at Chester, he was conveyed by water on a steamer to Binkinhead; and about the middle of the river, through the negligence of the constable who had him in charge, he jumped overboard, and, being heavily ironed, sunk to rise no more.

§ 130. As against breaches of the peace by riotous, tumultuous, or treasonable assemblages in the rural districts, there appears to us to be no other efficient protection than the distant and expensive protection of a military force. We need scarcely point out that a mob may have possession of the country, and of a large proportion of the towns, and subject them to such fire and pillage as at Bristol, before either a yeomanry corps, or any body of regular troops, can be got to the spot or be made to act. For any purposes either of prevention or of repression, we find that there is no civil force now adequate; and that on the occurrence of tumults it would be necessary to organise a force for the occasion. Should there occur any such riots as the agricultural riots of 1830 and 1831, although we have no doubt they would be met in many cases with more of firmness, yet we have found no evidence that they would be in any case met with more of organization or method. We advert to one of the scenes of the period adverted to for the purpose of indicating the nature of the provision which appears to us to be requisite to meet such emergencies. We cite an examination of the late Colonel Frederic Page, deputy lieutenant for the county of Berks.

The great want in respect of the performance of magisterial duties in and near a town like this (Newbury) is some one responsible person to give directions, and act in cases of emergency. We strongly felt this want at the time of the agricultural riots in 1830 and 1831. When those riots took place there was no one who conceived that it was his especial duty to act, and there was nothing but a shifting of responsibility from one to another; there was, in short, no one to act. In that emergency, as I stated at the time in a letter to the Secretary of State, which I have now before me, "The absence of every magistrate from the neighbourhood has induced me to act as one, although I have never taken out my *dedimus*." I received information, and gave orders to all people who were willing to obey them. I corresponded daily with the Secretary of State, and, what is of the greatest importance on such occasions, I endeavoured to stop false reports, and prevent panics, as much as I could.

It was reported that the mob intended to come in and attack the town. People in a fright came galloping in, declaring that mobs of six times their actual force were advancing upon us. Now this belief that the mob were of such strength was calculated to do as much mischief as if such had been their real force. I sent persons on horseback to ascertain the real fact, and in one particular instance I sent out a man with orders to count one mob which was confidently reported to be 500 strong; he counted 90. These reports were exaggerated on

their way to London, and mentioned on the Exchange, and influenced the funds, as may be seen by reference to "The Times" of November the 26th, 1830.

What part was taken by the local magistrates during these proceedings?—One of them resided at Kintbury, where a mob began the riot on a Sunday night. They besieged his house, and compelled him to give them beer and money. About two o'clock on Monday morning he sent over for another magistrate, who resides near Newbury. This latter had received intelligence of a mob having collected at Hampstead Norris, a village five miles from Newbury in another direction, and had directed several persons, who had been sworn in as petty constables, and others who had horses, to meet him at a given spot on the road to Hampstead Norris, when sent for by the Kintbury magistrate. On consultation it was agreed that he should set out for London, and apply for the military. This was the only other country magistrate residing near the town, and he went off to London in a post-chaise and four, (in which he took his wife and child and his wife's mother, whom he left in London,) to apply to the Government to send the military. This was done by the two magistrates, without consultation with any one. When inquiry was made for the magistrates, the answer was that one had gone to London in a post-chaise and four, with his wife and family, and that no one knew where the other was. This departure of a magistrate, in a chaise and four, was calculated to do great mischief, by exciting alarm; and I remonstrated with him afterwards on the propriety of the step, and mentioned that an accredited messenger would have as well accomplished the object. This magistrate acted probably upon the advice of his brother magistrate (who was frightened), and thought it his duty to go. There was also some of the county magistrates who, being themselves alarmed, brought in alarming reports from their own districts. The horsemen assembled on the road to Hampstead Norris waited all day, and heard nothing of either a mob or a magistrate, and then returned home.

How was it with the inferior peace-officers at that time?—The special constables were all very well, and very willing to act, but they had no direction. At the time, however, when a report was brought that the mob from Brumpton were coming into the town on the 19th of November, and that they were swearing in special constables to meet them, the town-clerk of the corporation of Newbury and the clerk to the magistrates for the division were quarrelling about jurisdiction, that is, whether the constables should be sworn in for the county or for the town of Newbury. The Newbury people stuck up for the rights of the town, and would only be sworn before the town magistrates. This fermented a division. Luckily, the mob were far enough off, and had been beaten and dispersed.

Were any organized parties sent out from the town?—Parties were sent out, but there was no organization, no system. Those who chose to go went out. In one instance a party went out, and, after they had gone some way out of the town, some of them asked, "Where are we going to?" It turned out that no one knew, and that each believed he was acting under the guidance of some one of the others. When Lord Craven's house was threatened, on Tuesday, he wrote to the mayor

of Newbury, who left the town with forty horsemen. Before their arrival the mob had gone, having received money. Mr. Fowle would not suffer the mob to be followed.

In the transaction of the ordinary business of the town are similar inconveniences sustained from the want of responsible and instructed authority?—There is the want of a directing mind, and there is great confusion.

§ 131. In several instances where there was an effective resistance given to the rioters, we have been informed that the animosities created or increased, and rendered permanent by arming master against servant, neighbour against neighbour, by triumph on one side and failure on the other, were even more deplorable than the outrages actually committed. Under the impressions produced by those occurrences, we have received strong recommendations that the necessity for such painful and demoralizing conflicts between connected persons should be avoided by providing a trained and independent force for action on such emergencies. Whatever may be the local jealousies arising from the mere lust of power, or rather of the display arising from its supposed possession, we find that they generally disappear on the occurrence of dangerous commotions. The constitutional responsibility of the supreme executive is then emphatically asserted. In reply to recent inquiries made of local authorities in the manufacturing districts, why they took no steps for the repression of riotous or alleged treasonable proceedings within their districts; why so long a career of criminal incitements was permitted, the prevalent answer has been, that proceedings in such cases were understood to be exclusively within the province of Government. The principle is impliedly recognized and commonly asserted in the applications from every part of the country to the supreme executive for rewards for the discovery or apprehension of the perpetrators of extraordinary crimes, or for the conduct and expense of prosecutions to be undertaken by the Government. On such occasions it has been contended, as we think justly and unanswerably, that the particular district should no more be subjected to the expense, or be responsible for making extraordinary exertions for the benefit of all, than particular districts, which happened to be the theatres of war, should be subjected to all the expenses of maintaining the contest in addition to its miseries and irreparable devastation.

§ 132. We find that this inefficient state of the civil force, a state of inefficiency which a large class of persons maintain from objection to the supposed expense of a paid agency to carry out a better system, is in reality the most expensive. In several districts the expenses incurred by the devastations of rioters would have sufficed to maintain for many years the expense of an adequate force, by means of which not only would such

riotous proceedings have been suppressed at their commencement, but the great mass of ordinary depredation would have been prevented. For example; it is observed by the magistrates acting for the hundred of Blackburn—

That in the riots which occurred in this division in 1819 and 1826, it was found impossible to raise any efficient or available constabulary force. The expenses occasioned by the riots in the latter year (1826), which fell upon this and the other division of the hundred of Blackburn, amounted to upwards of £15,000, which was exclusively paid by the inhabitants of the hundred. At this time the different trades unions were not so sytematically organized as at the present time.

§ 133. When we descend to the details of the ordinary business of a constabulary, we find reason to believe that the first expenses of the unpaid constables are greater than would suffice for a paid force. Amongst other reasons we may submit the following, from the examination of a witness of considerable experience.

It sometimes happens that a constable may be over-willing to do his duty, but it more often happens that the man is wholly unfit for his office by reason of ignorance of his duties, one great evil of which is, that the county is sometimes put to considerable expense in punishing offenders, and in "getting up" the cases; as for instance, a village constable, who is frequently none of the bravest, will, through timidity or want of tact, take the opportunity to search a house when the suspected man is out; it then comes to the knowledge of the man that his house has been searched, and property found in it (by means perhaps of his wife, who may have escaped, or some of his children, or some kind neighbour), and the man decamps. There is then the expense of pursuit, which is often very great: independently of which, if the man is taken, it often happens that, in order to make the chain of evidence complete, more witnesses are necessary, and perhaps after all the case may fail. Whereas a regular officer, who knows his duty, would watch the house until he might know that the suspected person should be at home, and then apprehend the offender, and seize the property at the same time. It is absurd to think that a man who is thrust into office for a year, and frequently against his will, can know anything concerning, or feel any interest in police matters, or even have it in consideration that it is his *duty* to protect the property of his neighbours. It is by no means uncommon for a village constable to be sent into some town by his township to execute a warrant, and then to get so drunk that he spends his night in a lock-up. It often occurs that when they apprehend a man, they lose him afterwards, and the friends of the offender will then frequently compromise the affair through the agency of the constables.

The Commissioners appointed to inquire into the expenditure of the county-rates state—

A sum in gross is sometimes demanded of the parishes, and it is said that those who want to see the particulars must go to the constable's own house. Very considerable sums, it is believed, are expended in this manner by the parishes, not only without any previous scrutiny, but

without any particular account being afterwards furnished. "If," says the correspondent above quoted, in whose sentiments upon the subject, say the Commissioners, we fully coincide, "for the inefficient, and too frequently corrupt, management of these local funds, the administration of them could be vested in a respectable body, upon an extended scale, instead of in almost irresponsible individuals in petty localities, the advantage that might be expected, I am satisfied, is great."

Thus it will be seen that the objections to the present parochial constabulary force go, beyond their inefficiency, most strongly also to their mode of payment, which, while their charges are declared to be "unlimited, and, indeed, under the present system, unlimitable," is yet not such as effectually to secure their services.

We shall dispose briefly of the numerous complaints which we have received as to the wrongful acts of constables. The frauds, extortion, embezzlement, and pillage practised by these officers, are the natural consequences of their situation. They charge for assistants when they are accompanied only by their own wives, or by poor labourers, to whom they pay the common farmer's day wages, receiving the county allowance and retaining the difference. They charge for carriages, when they compel prisoners to walk to gaol. They receive the full mileage for all the witnesses attending a prosecution, and contract with coaches to carry them at half price. They receive their allowance for time and trouble, and often keep back a part. They pass stolen goods from hand to hand, so as to make as many of themselves as possible necessary witnesses at the trial; and, what is matter of most serious charge against them, they withhold, and it is said in many instances appropriate the money and other valuable property found upon persons apprehended.

We have given in the Appendix estimates made by Sir Baldwin Leighton, and by Mr. Dyer, experienced magistrates, of the saving derivable from the appointment of a trained force. When we submit our recommendations of remedial measures, we shall revert to the subject of the expenses occasioned by the existing administration of the law by means of the unpaid constables.

§ 134. We apprehend that the office of constable must very early have fallen into inferior hands, from the difficulty of finding in the poorer and less populous districts a sufficient number of persons qualified or inclined to perform the duties.

As society advanced, the duties themselves became more heavy and complex. The grounds of complaint made by Lambard of the increase of the statutes, with the execution of which the constable as well as the justice of the peace is charged, are enormously enlarged in these times, when the statutory enactments of one year equal the whole of the statutory enactments of two or three centuries preceding that in which the complaint was made. "For if Hussey (the chief justice 1 H. 7. 3.) did thinke that it was enough to loade all the justices of the peace of those days with the execution only of the statutes of Winchester and Westminster for robberies and felonies; the statute

of forcible entries; the statute of labourers, vagabonds, liveries, maintainance and sherifes; then how many justices (think you) may now suffice (without breaking their backs) to beare so many, not loads, but stacks of statutes that have since that time been laid upon them." Lamb. Eiren. cap. 7, temp. Eliz.

§ 135. In the progress of society the leisure of the middle classes from their business has diminished. In times when all subjects were trained to the use of weapons for war, and there were comparatively few means of excitement, the mailed constable would often be followed with alacrity upon hue and cry, or the chase after the felon; and the sheriff might command a very different array to that which he could now, on any occasion, get together as the power of the county. For those who have entire or partial leisure or capacity, the number of pursuits of a comparatively gentle or refined description, often possessing the attractions of pecuniary profit as well as of amusement, have greatly increased, to the diminution of any disposition to engage in pursuits requiring close attention and severe exertion, incurring the dangers of rude conflicts, repugnant to the habits and dispositions of such persons. If the performance of the duties of constable were now generally enforced from persons properly qualified in respect to station, they would be deemed by them, and would be, in fact, grievously oppressive. When persons who may be considered qualified in respect of station for the office are chosen, they almost all pay for substitutes, and avoid serving. In the consciousness of the inequality of the tax, the justices make the less inquiry as to the qualifications of the substitutes, although the person chosen as principal naturally obtains the cheapest service he can, and the substitute seeks the office commonly with a view to remuneration in corrupt or questionable modes. Numerous and apparently well-founded complaints have been made to us, that the leet juries from wantonness, or from malice, or from a desire to punish particular individuals, often elect persons simply with the intention of inflicting the fine. We consider that the power of appointment should no longer be left as an instrument capable of being so abused; and that the service, or means of paying for it, should not be exacted by rotation, or otherwise, as a grievous tax upon particular individuals.

§ 136. It has been partly to anticipate objections to amendment, on the score of unconstitutional innovation, that we have laid stress on the ancient law relating to the subject of our Inquiry; and it will be found that the change of circumstances would for the most part require changes in the modes rather than in the principles of action. For example, in the practical application of the principle of "quick and fresh pursuit," instead of the ancient mode of pursuit by horse and foot, on hue and cry, for the apprehension of armed and mounted robbers, the more

efficient course of pursuit would be by the dispatch of a single officer in coach, or now, perhaps, by railroad, or possibly by the transmission of the authority by post to a distant officer; and the most effective mode of notification throughout the country would be by advertisements in newspapers, or pre-established organs of communication. And so with the modes of applying the other essential principles of administration to which we shall advert in the course of our Report.

§ 137. Since, then, there are now no adequate inducements to the *idoneus homo*, the man of ability, in estate and body, in knowledge and honesty, to perform gratuitously the increased services required by the existing circumstances of the community; we see no other means of obtaining services but by the inducement of payment. The increased knowledge now requisite can only be obtained by increased attention, and the devotion of the whole time to the study and practice of the duties of the office, which for that purpose should be permanent. The alacrity which it was sought to obtain from unbought zeal and a sense of duty must be obtained by the imposition of responsibilities, and by carefully adjusting the interests of the officers to the end in view. The independent rectitude of action, sought for in the sufficiency of the estate of the person appointed to the office (though we question whether the practice at any time extensively accorded with the theory of the law in that respect), can now, as it is generally agreed, only be obtained by requiring, as a qualification, that he shall be unconnected by appointment, birth, or otherwise, with the place in which he acts. Since it is in vain to expect of persons whose payment is less than that obtained by the greater number of mechanics, qualifications such as are found only in persons of the rank of commissioned officers; we conceive that the steady and discreet, yet independent action of the numerous requisite force, can only be obtained and transferred to them economically by gradations of rank and discipline from the few and highly qualified superintendents, on whom responsibility should be concentrated.

§ 138. If permanence and payment were given to the office of sheriff on account of the increased knowledge and labour required for its execution, we see no new and important additions to the constitutional machinery, and to the chief principles of action for the preservation of the peace, that would be required for the effectual preservation of the public peace and the prevention of crime.

§ 139. The removal which we consider necessary to be made by the Legislature of the power of appointing constables from the leets as a necessary consequence of the common neglect and occasional direct breach of their duties, and indeed of their general incompetency, might be stated as a constitutional alteration. We would, however, submit in answer to the objection

that the innovation would be conformable to the constitutional principle of giving the appointments where responsibility is imposed. If it were practicable in these times to sustain the early responsibilities of the locality to the Crown by means of heavy amerciaments, the power of making the appointments ought to be exercised, not by the leet, but by the inhabitants who are responsible. We apprehend, however, that the inhabitants must necessarily elect to be relieved from so grievous a responsibility in favour of the course which we contemplate as the most economical as well as the most efficient.

Trial of a Paid Constabulary Force.

We should fail in our duty if, before recommending any measures on a subject of such paramount importance as the preservation of the peace of the country, we neglected the examination of such measures as may have been tried for the attainment of the objects in view. We consider it fortunate for us that the actual experience of measures of amendment, under varied circumstances in different parts of the country, has been sufficiently extensive to furnish a basis of induction for our principal recommendations.

§ 140. The most extensive trial of a paid constabulary force for the rural districts has been made in the county palatine of Chester, for which a paid constabulary has been appointed under the authority of the Act of the 10th Geo. IV. cap. 97, "An Act to enable the Magistrates of the County Palatine of Chester to appoint Special High Constables for the several Hundreds or Divisions, and Assistant Petty Constables for the several Townships of that County."

§ 141. Having been informed that in the year 1829, when this Act was passed, it was considered to be an experiment made with a view to the application of a general measure to the other counties in England and Wales, we were anxious to ascertain the results experienced. After we had received the answers made by the magistrates to our general questions, and had instituted some other prefatory inquiries through a gentleman who had given much attention to the subject, one of our colleagues visited each hundred in the county; investigated the general state of crime; and examined the chairman of the quarter-sessions, Trafford Trafford, Esq., at whose instance the Act was sought, several others of the magistrates, every special high constable in office under the authority of the Act, the governors of the prisons, and a variety of other witnesses connected with the county.

§ 142. The returns of commitments and convictions display an increase of numbers subsequently to the passing of the Act. During the five previous years the commitments were on the

average 1131, and during the eight subsequent years the average numbers were 1234 annually.

§ 143. The amount of crime in Cheshire, as indicated by the Criminal Tables, is above the general average:—

The proportion which the criminals who were committed for trial bore to the population (calculated on the last Census) was in

1834	in Cheshire,	1 in 492	England and Wales,	1 in 619
1835	„	1 in 627	„	1 in 670
1836	„	1 in 604	„	1 in 662
1837	„	1 in 543	„	1 in 588

The proportion which the more violent offences bore to the total of offences in the same years was in

1834	in Cheshire,	20.29 per cent.	England and Wales,	17.44
1835	„	15.76	„	16.25
1836	„	13.00	„	15.56
1837	„	10.23	„	13.21

We have, however, elsewhere assigned our reasons for treating the returns of convictions and commitments as inaccurate *indicia* of the whole amount of crime committed in any particular district. The heavy calendars for this county subsequently to the passing of the Act might for a time have been the necessary result of the efficient action of a well-organised constabulary; but, making due allowances for any peculiar circumstances of the county, this favourable presumption is rebutted by the experience of the operation of a paid constabulary in various other instances, from which experience we conceive the inference is warranted that, by the efficient application of a well-organised force, habitual depredation by residents would within a much shorter period have been almost entirely suppressed, and the continued production of such heavy calendars rendered nearly impossible. From the return we have already cited (s. 10) it will have been seen that the average period during which the prisoners in the county gaol had been at large in the practice of habitual depredation was upwards of five years, or double the duration of the career of the prisoners who had been at large with all the peculiar facilities for escape afforded by the crowds in the metropolis. We shall give instances of the operation of the Act on some of the chief points, on all of which it appeared to us to be unfavourable to the form in which the measure was tried, though favourable on the whole to the appointment of a paid and trained force.

Mr. Trafford Trafford gives the following account of the introduction of the Act:—

What was the peculiar state of the country at the time that induced you to move for that Bill?—The difficulty of remunerating the constables, and the necessity for the appointment of a superintendent of some denomination over the rest of the constables so appointed and paid.

With relation to the state of crime, what was the then state of the

county?—was it increasing?—Rapidly increasing. The difficulty originated in this way. Burgess, the governor of the gaol at that time, was an amateur constable. We had appointed him as special constable, to be paid. We found that we could not suppress crime without additional assistance, and we appointed him, receiving the allowances we were enabled to make, by Act of Parliament, to a special constable, but we could not give him any regular salary. It struck me as extremely desirable that we should have a man to whom we could pay a salary, and that he should have persons under him at his command more efficient than the township constables, who are really of little or no value, and that we could be enabled to send them by that to any part of the county, particularly to the parts bordering upon Manchester, from whence there proceeded a great number of depredators.

What proceedings were taken throughout the county, generally, in the first instance? Were the appointments made generally, or only partially, as application was made?—At first we appointed generally. The applications, I think, would not have been many. It was viewed by the townships with a great deal of jealousy—they were afraid of the expense.

Were there no description of the township jobbing constables who were jealous of their own emoluments and powers being interfered with by a paid constabulary being appointed?—Not within this district. In Nantwich there was an opposition got up by an attorney. Their jealousy originated a great deal in the idea that the police were intended to act as game-keepers.

§ 144. The special constables appointed under the authority of the Act were one special high constable and two petty constables for the Prestbury division of the Macclesfield hundred, one special high constable and four petty constables for the hundred of Bucklow, and one special high constable and three petty constables for the Stockport division of the Macclesfield hundred. For other hundreds only petty constables appear to have been appointed. The whole force appears to have consisted only of three special high constables and twenty-four petty constables, at a total stated expense of 1274*l.*, exclusive of fees, perquisites, or emoluments.

The number of paid officers first appointed appeared to us to manifest a wide misconception of the extent of the evil, or of the means requisite to reduce it; but we found that even that number had been reduced by the magistrates, partly in compliance with the petitions got up in the townships, complaining of the expense of the force and of its uselessness; and it certainly appeared to us, that from defective arrangements even the small force appointed was less efficient than we have found equal numbers of paid officers in other districts.

§ 145. To the absence of system we attribute the circumstance, that the magistrates are not in possession of such information as to the state of crime as to enable them to judge of the administrative arrangements needful for its prevention. By the Constabulary Act the appointment of the constables

was vested in the quarter sessions, and the quarter sessions have only acted when thereunto specially moved by applications from the magistrates at the petty sessions, although they have exercised their own discretion as to the amount of force requisite, and as to its management.

§ 146. Now, it is shown throughout the evidence that persons in the position of the magistrates—a position above the ordinary information, arising in wide districts, of which usually they only know of their own knowledge a part, and whose best information, with relation to the remainder, commonly arises from the small proportion brought before them of offences committed—cannot be expected to possess the requisite knowledge of the state of crime, to enable them to judge adequately of the measures necessary for its prevention. Such measures can only be accurately determined and applied after the close investigation of the lowest particulars as to the state of crime, and of the criminal population, with which the magistrates are usually only imperfectly acquainted. We were naturally prepared to find that the evidence of the most experienced and intelligent officers, whose position and business bring them more closely within the view of those particulars, frequently led to very different conclusions to those entertained by the magistrates. The evidence which we shall have occasion to cite to show the state of the county, and to illustrate the consequences of the desuetude of the constabulary functions of inquiry and presentments, we may submit as illustrative of the state of a large proportion of England and Wales, and of the general operation of the like principles in other counties.

Soon after our appointment, the state of the hundred of Broxton was brought to our notice in a communication, from which the following is an extract:—

> In the hundred of Broxton the state of crime is most alarming: there is no paid constable in the whole hundred, consequently the farmers are continually robbed, their cheese-rooms broken open, granaries and out-buildings plundered to an alarming extent, and to such a degree of hardihood are the thieves arrived, that, though living in the midst of the farmers whom they plunder, yet they dare not, to use their own expression, interfere with them; the consequence is that, in the neighbourhood of Broxton, Bickerton, Burwardesley, Duckington, Hart Hill, Bulkely, and the surrounding villages of Tattenhall, Chowley, &c. &c., may be found a number of burglars, sheep-stealers, horse-stealers, and all the other lower descriptions of crime that can be mentioned as in the course of my experience; I am prepared to show the various grades of crime I have enumerated, having been committed by numbers of persons now living at large in different districts.

The following is a portion of the examination of a prisoner, which was corroborated by other evidence, as to the state of the neighbourhood of Frodsham, in the Eddisbury hundred:—

What is your calling in life?—A labouring man on a farm.

What are you here for?—They said I took some potatoes.

They very often steal in your neighbourhood?—There is a deal of robbery.

Is there any constable there?—Yes, a Mr. Rigby; he is overseer and a constable; has been so seven or eight years.

What sort of robberies are committed in your neighbourhood?—Sometimes housebreaking; sometimes one thing, sometimes another, just as they gives their minds to.

When persons are plundered, they go and tell the constable?—No, they don't; they "make it away" (they compromise it) with the people as robbed them.

Do they break into gentlemen's houses?—Sometimes; but they break more into one another's cottages, and take just what they may like.

Is there any sheep-stealing?—Yes, sometimes a sheep goes.

If a sheep is stolen, do they sell it to the butchers, or salt it down for their own use?—They salt it, and bury it in some place under ground, and put a large flag (stone) over it.

Do the farmers go to the constable?—No.

Are they afraid?—Yes; they are afraid that worse may happen after to them.

Is there any magistrate?—Yes, about five miles off; they be terrible strict about poaching.

Do the housebreakers go in gangs?—Yes, seven or eight to a housebreaking job.

Do they travel any distance to commit robberies?—Yes; they will go 12 or 14 miles out to housebreaking or poaching.

Do these men spend their time idling about all day?—They are always idle by day, and spending money at beer-houses.

They have plenty of money?—Lots of it—always.

Is it well known that they are housebreakers and thieves?—Yes.

Are they watched?—The farmers watch their own houses, not knowing when they may be attacked; these fellows are getting so uncommon "hard-faced" (daring).

Have any been transported from Frodsham?—Yes, about three years ago. These men, now at Frodsham, were all connected with them.

Mr. Hill, the high constable of Chester, gives the following account of the state of the rural district in the part of the county near that city:

Are you aware if there are any known or suspected thieves residing in the rural districts?—Yes, there are; I speak more particularly of the hundred of Broxton. They were well known to the paid constable, but he resigned about eight months ago, and is now a sheriff's officer. No man has been subsequently appointed.

Had he any assistant officer under him?—He was the only one in that hundred.

Was he an active and efficient man?—Yes, he was.

Do the Broxton thieves ever visit you?—They never come here to steal, but attend the markets with poultry or vegetables.

Do they go in gangs?—They work, that is, steal, in gangs of two or three together: they go eight or ten miles in a night to rob a cheese-room, a barn, a granary, or a hen-roost.

Are these men married?—Yes, many of them are, and have families.

Are they much dreaded by the neighbours?—The farmers are all afraid of them; if these thieves were detected in the act of stealing, the farmers would be afraid to complain or speak to them.

Can you state any instances of the state of fear in which the farmers have been, or yet are, kept at this time?—They are in a state of fear at this time. If you go into the hundred of Broxton the farmers will tell you that they dare not say a word; they dare not give me information, and if they do they beg me to keep it to myself, because, to use their phrase, they are afraid of having their cows houghed.

Has that in fact been done?—I do not know whether they have not cut some of the cows' tails: that is the fear they are in.

Do you know any of the gangs?—There is the Cholmondley Gang, about five in number; the Bickerton Gang consists of eight or ten; the Tattenhall Gang has been "rather weeded," that is, many have been transported, but five or six of them yet remain. This is the gang who used a vault in the church-yard as a place of concealment for their stolen property. They have just committed a burglary again at Tattenhall. The Bursley Gang and the Tattenhall Gang are all together; they all seem to have joined; they are in one continued gang.

Have you had any occasion of late to go into those hills?—Yes, I have.

What occasion has led you there?—I went in consequence of several robberies having been committed, and more particularly a burglary having been committed at Tattenhall, where the gang formerly resided.

Will you state what occurred?—I went to a house, just under the edge of the hill, of a man named Thomas Hughes. I told him what my errand was. I perceived an evident reluctance to allow me to search the house. A woman, the wife of Hughes, rushed out into the bedroom. I followed her, and found some new check. I said, "This is what I want." She went into another place where there was some new stuff, cloth, and calico, and various things; there were also two sheep in pickle. I pulled this from under the bed. I said, "What is this, Hughes?" He said, "I know nothing about it; do you, brother?" "No; I neither know nor care anything about it." I said, "Very well, I see what it is; you have been fetching somebody's sheep—this is stolen mutton." I found the woman in the act of concealing something. I said, "I shall search myself." I had gone accompanied by an inspector named Haswell, and a police-officer named Ithell. I left Ithell to guard the door, while Haswell and I entered the house. I had no sooner said this, than they rushed upon and knocked my man down, and then Hughes set to work upon me, and a regular fight we had. The woman got out between the two men in the scuffle. I went to handcuff Hughes, when she gave a whistle or signal, and lots of them came: his brother-in-law, his brother and two or three more, who were evidently on the look-out. Three of us had a fight. One of my men got a blow on the arm with a hammer that I have in the office now; but we kept them at bay, and I brought the bundle out—

the sheep we could not get. I said, "We had better go off the ground, if we can, quietly." We walked almost backwards; we got into a lane, and went for some assistance; we got some farm-servants; we went back, and had a regular chase. The mutton had been got out; we found it in the garden. We had a chase of two or three hours; we ran a long way after them before we searched the cottage.

Is the place where they reside on those hills an out-of-the-way place?—Yes, quite so; quite secluded. There is always somebody on the look-out, and the moment an officer goes a signal is given. At present the gang are more at a stand, four of them have never shown their faces since that, that is, Hughes, Gilbert, a man of the name of Whalley, and a woman of the name of Dunn. That woman goes out in men's clothes with those men regularly. She will go anywhere, and face anything that the men will not face. She will go right up to a barn-door, astride on an ass. There was one farmer who actually stood at his bed-room window with his gun ready in his hand, and saw four asses loaded at his barn-door. He dared not shoot at them, for if he had he would have been murdered, or his barn set on fire.

Has there been any incendiarism here lately?—Yes, certainly; some time back a man was hung for that.

Did he belong to these men?—No, I do not think he belonged to these hills; they are very cautious about associating with anybody else but their own gangs; they are very cautious about strangers.

Do they follow any ostensible mode of getting their livelihood?—There are some that I think do not work at all; some may pretend to go for a day's labour. They may go harvesting in the summer, but wherever these gangs have been harvesting robberies have happened immediately afterwards. One of the gang has been taken in Staffordshire, and is now in Shrewsbury gaol.

Have any of them been apprehended for receiving?—Only one man for receiving; two women for shop-lifting. This gang will some of them come to this place with besoms and sand, and go loaded back.

Are they Cheshire people?—Bred up thieves on the hills, and they bring up their children in the same way.

Have you many children from those places, or places adjacent, bred up thieves?—No; I cannot say that we have. They are most of them grown up; they have large families, too. Two men are living at the top of the hill, in a very small place; they are living with two women, neither of them married, and there are not less than 12 living promiscuously together in that place. They have two bedsteads, and one is raised for the other to pass under it. These two fellows are living with these two women, and they go out regularly to plunder; indeed, they never work.

These accounts are all from the farmers?—Yes.

Have the landlords ever thought of ejecting those people?—I believe Sir Philip Egerton has tried (he is the lord of the manor), but quite unsuccessfully. They pull the place down in the day and it is built up at night.

Do they pay any rent?—I believe not. Those just under the hill that have a bit of land pay a trifle. If you go to search any of the houses, there is not one in which you do not find two or three measures

of corn. They have gone and fetched as many as 20 measures of wheat a-night.

Do the farmers venture out after nightfall?—No, they dare not go; they are frightened of travelling along there. One farmer, Mr. Briscoe, after I had had the affray (I did not know him, though he knew me), began to talk about that affray. He said I should never do any good with them; that I should get murdered. He said, "To tell the truth, I dare not go myself without a man along with me." He took a man along with him to protect him. That was after I had been there.

Females, of course, are kept from going out?—They do not go out at night. There is another thing; if they thresh their corn, say, to-day, what they thresh to-day they are obliged to carry into the house at night. They dare not wait for the winnowing; they are obliged to carry it into their bed-rooms, and where they can; if they leave it in their barns it is sure to be stolen.

Do you know anything of the Eddisbury hundred?—At Frodsham they have had robberies lately, and at Kingsley and thereabouts there are a very bad set of men; many have been transported from there, and there are still gangs there.

With regard to the hundred of Wirrall?—They have had a great deal of fowl-stealing; petty depredations on the farmers a great deal latterly.

For how long have some of these gangs subsisted without interruption?—For years; they have been in these hills for years.

Have there been any attempts to commit murder there?—One man was stabbed with a bayonet, and that man was the brother and brother-in-law to these very parties, a man of the name of Hughes. A farmer's poultry was being stolen; he got up and attacked the men, and they stabbed him with a bayonet fastened to a stick. One of their gang was taken, and they made a vow that no one should be taken in that way again; they would murder the officer first if any one attempted to come, and no one has been taken, till I was there, since. There is now a man, one of the gang, working under a farmer's nose, "wanted" for a burglary. Five men went to take him, and they could not take him. These are the strongest and most athletic fellows that ever you saw. This man is a terror to the whole place; they are all afraid to attack him. He had once been before a magistrate, and, in returning, he walked the constable into a pit, and held the man in the water till he thought he was drowned, although he was handcuffed, and he has never been taken since.

And these men have been at large for years?—Yes, they have. The solicitor for the prosecution was over here about this very man, wishing me to take him. This man is living by that course now in the neighbourhood. The farmers do not perhaps see him every day, but they see him about occasionally. He will perhaps stop away for a week or ten days, and then come again. He goes to a beer-shop amongst his gang, and they dare not say a word.

On the whole, then, you think that, notwithstanding this constabulary in Cheshire, Cheshire is distinguished beyond other counties for crime?—Yes; more particularly the hundred of Broxton.

§ 147. The magistrates of the division of Broxton, which comprehends the Pickforten Hills, infested by the gangs described by Mr. Hill, answer as follows the questions put to them:—

State as nearly as you can the number of felonies and misdemeanors committed during the last twelve months within your division.—Four.

What proportion of the offenders has been apprehended?—Three.

Here, no doubt, the magistrates spoke only of the cases brought before them judicially, and of which only we could expect them to be informed; otherwise the cases actually occurring from the operation of organised gangs could only be spoken of as having occurred by hundreds. The opinions formed by the magistrates as to the extent of the remedy are of course governed by their present inadequate knowledge of the state of the evil. They were asked,—

How many paid constables do you consider would be requisite in your division?

They answer,—

We have the power of appointing under our local constabulary act, but such appointment is unnecessary.

To the previous question, "Supposing it desirable to appoint paid constables to give their whole time to the performance of their duties, what other useful functions might be assigned to them?" the answer is—

They would be perfectly useless in our division; and we do not know to what other duties they could be usefully put.

The strength of this conviction is shown in the fact which they state in another answer, that there were three paid constables "appointed under the Constabulary Act, but they were found unnecessary, and have since been discharged."

In answer to the question, whether there are, within their division, any persons who have no visible or known means of obtaining their livelihood honestly, and who are supposed to live by habitual depredation? they answer—

Many: supposed to live by poaching and plundering out-buildings, &c.

Again they are asked—

Do any and what additional means appear to you to be desirable in your division for increasing the actual security and the sense of security to person and property?

And they answer—

We are not aware any additional means are required.

The magistrates of the Bucklow hundred, in answer to the question as to the existence and numbers of persons living wholly by depredation, state that there are "None known to the magistrates."

The evidence of the officers who mix with the middle and lower classes of society, and whose business it is to watch depredators and persons of the character adverted to in the question, may be adduced as another illustration of the general inadequacy of the information for reasoning on the subject obtained by persons in

the station of the magistrates, where none of the proper means exist of seeking out such information and placing it before them.

Mr. Stockwin, the superintendent of the Borough Police of Macclesfield, who had previously been one of the Inspectors of the Metropolitan Police, and who from that position had been engaged as special high constable of the Bucklow hundred, was asked, in the course of his examination,—

Now, according to your recollection or knowledge, what number of characters were there who were living at large that had apparently, or that you were certain used no ordinary or daily trade of life or honest means of getting their living?—The thieves in a village are not the same as the thieves in a town. They all work occasionally. Upon the average they would amount to four or five in every township—that is, men living at large, skulking about, and who are always suspected as night marauders, poachers, and that sort of thing.

Poaching in the purely rural districts, and robbing the canals in others?—The canal plunder is carried on by the boatmen themselves who are not resident in the hundred.

Are they not assisted by others not on the boats?—Yes, as receiving-houses.

John Chesworth, a constable in the Manchester police, a native of Cheshire, who had been a watchman in the Knutsford gaol, was examined with relation to the state of the district adjacent to Knutsford. He was asked,—

Can you give any information as to the state in which the farmers were kept by the depredators whom you have described?—They fear uncommonly about their corn, and potatoes, and fruit. I have known farmers to sit up and watch.

Are people afraid to go out much at night after dark?—Yes; to go into the country they are—out of the town. I knew a farmer to sit up, and he perceived that he had some corn gone. He sat up the night after, and the same men came again, but they got away. There were three of them, and he could not swear to any of the three. They had a fight for it.

We understand you that the people do manifest a great state of fear for their property, and that they do not stir out after dark—not to go into the country?—No; they do not more than they can help.

And that robberies on the highway are not uncommon?—They are frequent. Frequently a man is knocked down and robbed. If they find a man asleep, they will always strip him.

Mr. Harper, the present special high constable of the Bucklow hundred, the successor of Mr. Stockwin, was examined as follows:—

What number of bad characters do you know—that is to say, what number do you know within the hundred who follow no daily trade or have no honest or regular occupation, and who are believed to live by depredation?—There are a great many of that description.

You have never been able to enumerate them?—No.

Could you say how many there are, taking one township with another?—In some townships I do not know any; in fact I do not

suppose there are any of the description you speak of; in others there are several, in some particular townships.

Would you say with Mr. Stockwin that, taking one township with another, some without, and some with a great many, there are as many as five persons of that description in each township?—I do not think there are as many as five; that is a great many, taking the whole hundred. There are a great many in some townships, and in some I have never heard of one. I should think five is exceeding the number.

Even comprehending all the offences put together?—Yes; I should think five exceeds the number if anything.

What would you reckon it at?—I should think from three to four in each township, taking it on the average.

Of whom you do not know how they live?—Yes.

The population of the hundred is 45,000, and the number of the parishes or townships is 72; so that according to the lowest estimate there must be about two hundred habitual depredators within the division of whose habits or even of whose existence answer is given, "None known to the magistrates." Here again the conclusions of the magistrates as to the desirable remedies correspond with their inadequate information as to the state of the evil. They only state, as the additional means desirable for increasing the actual security and sense of security of their own district, "the more general lighting and watching of small towns would afford great security to person and property." They suggest that an addition of five paid constables to the existing paid constabulary is requisite, but assign no reason for the addition. The experienced officer Mr. Stockwin was asked,—

For such a population and such an extent of country, with this important line of communication passing through it, would you say that it was possible for so small a body of men as four to watch a population of 45,000 and these canals at the same time, with any, the slightest pretension to be a preventive or even a detective force?—No; I should say not. The body is too small; let men do their duty ever so well, it will harass them off their legs; and yet they cannot prevent it in the way they ought to do, knowing the distance of ground they have to travel.

Suppose you were asked to undertake to be responsible for the prevention of crime, and as a condition of that responsibility were offered to have whatever force you thought absolutely necessary at your disposal, and any additional power that might not be conferred by the existing Act or the general laws, what sort of force would you deem the least that could be used for such a purpose within that hundred of Bucklow?—I should say about 25 for what I should deem a thoroughly efficient force.

The magistrates of the Prestbury division of the hundred of Macclesfield, in answer to the same question as to the number of the habitual depredators living within their division, state that there are such characters, "but they are not numerous, and eventually they are mostly apprehended and convicted of

some offence." They further state: "We consider the paid constables which we have as sufficient for the district," and they declare that no additional means appear to them to be desirable for increasing the security of persons and property within the district.

In this division, as in the Bucklow hundred, the special high constable had been appointed from the Metropolitan Police, where he also had been an inspector. This officer, Mr. Adamson, being examined as to the number of delinquents at large within the division, states that "they average about eight in every thousand." The following is a portion of his evidence, showing the general state of the district. The population of the division is about 50,000, but in that is included the borough of Macclesfield, which comprehends about half the population, over which the magistrates have no jurisdiction. This officer, being questioned as to the extent of force which he would require if he were made responsible for the prevention of crime within the division, answers,—

Supposing you had power conferred upon you with a view to the prevention of crime in the district, and you were made responsible for any crimes committed within the district, and were invested with the means of preventing them, what force for your district for day and for night would you require?—To do it as it ought to be done, day and night, there ought to be sixteen men.

Would you not require, until you had got these gangs down, a greater force for a time, perhaps double?—I should; because the men ought not to go alone, they ought to go double; we meet those characters in fours and fives at night.

Are you armed?—Yes, with pistol, sword, hand-cuffs, and staff. We seldom take more than hand-cuffs and truncheon. The game-laws are so altered now that we have no power over them. After I had got them down (*i. e.* the habitual depredators), the canal would need to be specially protected. There is a great length goes through this county.

§ 148. Mr. E. D. Davenport, a magistrate for the county, residing at Calveley, near Tarporley in the Eddisbury hundred, declared that he considered the Cheshire Constabulary Act to be a failure, and thus describes the state of his neighbourhood:—

As far as my own observation has gone, nothing whatever has been effected in the way of the prevention of crime. I speak merely with reference to my own neighbourhood. In that neighbourhood a number of persons still exist without any apparent lawful means of obtaining an honest livelihood. Considerable depredations are still perpetrated against property, and without detection. A considerable farmer, Mr. Acton, within a mile of my house, has been robbed of a large quantity of cheese, during the last and present winters, without anything being discovered, and within not much more than a mile of the residence of a special constable.

You say they are considerable depredations; do you mean considerable for their station in life?—Fourteen Cheshire cheeses, weighing 70 lbs. each, is no small thing to carry away from a place where there are no roads.

Besides these larger depredations, are small pilferings often committed in the neighbourhood?—Yes; and in the present instance the produce of those small depredations were found accumulated near the residence of another police constable in Nantwich, buried in a garden.

Were they identified?—They were identified; but the owners had great reluctance from fear to swear to their own property.

What was the cause of that fear? what did they apprehend?—The apprehension of some injury being done in the way of vengeance.

Was not there the expense or trouble of the trial, or any distant trial?—I apprehend not.

But simply maliciousness?—The extreme apprehension of exposing themselves to the vengeance of the depredators.

Then the paid police in the district was not considered a security: you state this was done in the immediate vicinity of one of them?—Yes; the property was stolen from the vicinity of one special constable, and removed to the town of residence of another, so that the vigilance could not be extreme.

As to those depredators, the persons who live without any assignable legal means of livelihood, are they known within the district, and could they be enumerated?—Yes.

To what do you attribute this state of things?—I attribute it to the mischievous operation of the salt-duties, which made every cheese farmer a smuggler, and put him in the hands of his dependants; every one of whom, being an accomplice, might be an informer. The result has been, habits of great insubordination on the part of the servants toward their master, and a corresponding dread of the latter of their dependants: the habits generally still continue. When I first resided at Calveley, the practice of compromising all sorts of offences was general. I should observe, this is purely an agricultural district; but, I believe, they have nothing to learn, as to immoral habits.

§ 149. The acting magistrates for the division of Eddisbury state, in their answers, "We consider the force under the Cheshire Constabulary Act quite sufficient, with the power the magistrates at present possess, of swearing in special constables in case of emergency."

Mr. Thomas Wetherby, a calico-printer, residing and having works at Handforth-cum-Bosden, in the Macclesfield hundred of the Stockport division of the county, gives the following account of the state of crime in his neighbourhood:—

What has been the state, during the time you have resided in it, of the vicinity of which we have spoken, that is to say, the unprotected vicinity, as to crime?—There is a township within a mile of our works, where a great number of poachers reside. It is considered the worst place in Cheshire. There is not such a place for depravity of all kinds.

Are there persons who have no known honest means of getting their livelihood?—Certainly there are. It is reported there are several, but

that I do not know of my own knowledge, who live by depredation, who are not known to get their living honestly.

That is, in that one place?—Yes; in the neighbourhood of Wilmslow.

Are the other neighbourhoods about there infested in the same way?—Not to any great extent.

In the neighbourhood generally is property considered secure or insecure?—Property is very insecure in our neighbourhood; *very* insecure, so much so, that I keep a watchman for myself.

Generally are the roads considered secure from highway robbery?—Not secure; I should say very insecure.

Do you think people are deterred from travelling out at night much?—Some people are very much deterred; I am not alarmed myself, nor easily deterred, but there are many people that are deterred.

Are many persons obliged to watch their premises, and to use fire-arms or dogs, besides yourself?—I think all premises of any importance are obliged to be watched; they do use fire-arms and dogs and keep private watchmen.

§ 150. Evidence was given to us to show that several parts of this division were in a lawless state, especially in the neighbourhood of Newton and Hyde. The perpetrators of several barbarous outrages had escaped unpunished, and in one case of murder it was distinctly alleged that, in consequence of the inefficiency of the constabulary, the technical evidence of the crime had been lost, and that an individual, who was distinctly pointed out by the people as the murderer, was at large and in safety.

The answers from that division, signed by Mr. Newton, one of the acting magistrates, indicate the existence of persons living within the division by habitual depredation, of whom it is stated that "it is impossible accurately to state the number of such persons; their habits are those of general profligacy." The remedy suggested is an effective patrol, particularly at night, for a few miles in the vicinity of towns and populous districts." Mr. Thomas Ashton, a magistrate of Hyde, and several other inhabitants, were extremely desirous of obtaining an increased and newly-organised force.

§ 151. The magistrates of the Northwich division, in answer to the inquiry as to the existence of habitual depredators within the division, state, "There are many persons who have no visible means of gaining a livelihood who are supposed to subsist by poaching and stealing."

§ 152. The magistrates, in answer to the inquiry as to how many paid constables they consider requisite in their division, state, "We have removed the special high constable, and have not filled up his situation again: we perhaps want one more constable." They further answer, that they know of no other additional means that appear to them desirable for the protection of person or property.

§ 153. Much evidence was adduced to us to show that the goods conveyed on canals through the county were the subject of considerable depredation, and received but little care or protection. Strongly-marked instances of habitual depredations upon property, and a state of things disgraceful to the whole kingdom, as well as to the county, was forced upon our attention by the evidence respecting the conduct of the people and of gangs of wreckers on the coast of Wirral. We have stated the tenor of the evidence on this subject in that part of our Report which sets forth the inadequacy of the means for the protection of life and property in cases of shipwreck on our coast. See *ante*, § 58, 61.

The magistrates of the hundred of Wirral state in their answers, that property to an immense amount is lost on the coast, and they state that additional paid constables "are totally unnecessary and uncalled for in any part of the hundred of Wirral, except in the three townships of Poulton-cum-Seacombe, Wallasey, and Liscard, and two or three along the coast extending from thence to Hoylake and West Kirby. Four paid constables for the whole hundred would be ample with the assistance of a coast-guard."

Does any nightly patrol appear to be requisite within your division? —No: except as a coast-guard to protect wrecks, and such guards should be appointed at the expense of the port of Liverpool merchants and underwriters, as entirely affecting them.

§ 154. We must observe, with respect to the evidence as to the numbers of depredators at large, and especially with reference to the evidence cited of the several high constables whose intelligence and efficiency were the subject of general praise, that that evidence is corroborated by the average numbers of habitual delinquents passing through the gaols, and the long average period of their impunity. Unless the delinquents at large were very numerous such heavy calenders could not be continuously filled; consequently the number of the habitual delinquents, and the extent of depredation committed to maintain them, must be great.

§ 155. Not only were the numbers of men originally appointed to the constabulary widely inadequate, but the sort of appointments was impugned, and the first of them certainly appear to have been unfortunate and made without reference to any particular standard.

Mr. Burgess, who was engaged in the first measures on the passing of the Act, answers as follows to the questions put to him:—

It appears that the number of special high constables is three, and that of the petty assistant constables the number appointed throughout the county is 24: from your knowledge of the action of a Constabulary Force and of the means of preventing crime, would you say that that

number is sufficiently large to be in any way considered as a preventive force,—is it not rather detective than preventive?—I do not think it sufficient even for a detective force.

Was the number at any time greater than it is at present?—It was.

Do you happen to know in what proportion greater?—There were two more special high constables, and I should think three times as many assistant petty constables.

How is it that the number has been diminished so far as you are aware?—In a great measure from the inefficiency of the persons that have been appointed; for where there have been complaints against the officers, it has frequently happened that no fresh appointments have been made. For instance, the two special high constables, they have both been discharged. There have been three discharged, but one was replaced: but in two of the hundreds of the county they have been discharged and no others appointed.

Then you attribute the failure of the police in the first instance to the badness of the appointments?—I do in a very great measure.

Were those men who were appointed locally connected, or had any of them been in any Police Establishment before?—I do not think they were locally connected, but they were appointed from parties that had never been in a police; of the five special high constables first appointed, two had never been in any police before; one had been a bellman and a beadle in the city of Chester; the only two retained were those who had been in an organised police; and from the districts where those two acted, there were no petitions against the force.

Then you attribute the inefficiency of the first force to the inefficiency of the first direction, and that from that inefficiency arose the complaints of the inhabitants and the reduction of the force?—Yes; I consider that, if the appointments had been made from Police Establishments where the men knew their duty, the system would have worked better.

You have been in a Town Police, and possibly your experience may enable you to form a judgment of what the qualifications of an officer are for the prevention of crime. Do you deem it absolutely essential to success in prevention that the officers having the direction should have made the subject a special study and have been specially trained to it?—Yes; I consider that a most essential part of police business that the officers who have to superintend the Establishment should not only be well versed in the law applicable to the cases, but be experienced in different practices by which they would be enabled to direct their movements and act with discretion. I conceive that to superintend a Police Establishment requires as much training as it requires to learn a profession or trade.

Do not you think that in their degree and in their stations the inferior officers should be as efficiently trained?—Decidedly so.

And it is to that want of training that you ascribe the discontent and consequent failure in the county?—Yes; I think the low ebb of the police is in general to be looked upon as arising from that. When a man finds he cannot make any living else he comes down to a police officer. Large numbers of the police are broken down publicans and shopkeepers.

§ 156. We received complaints not only of negligence in the first appointments, but instances of the disregard of the evi-

dence of unfitness afforded by subsequent misconduct. The statement made by Mr. E. D. Davenport, the magistrate, whose testimony we have already quoted, is as follows:—

How are the paid constables selected? Are there any rules of election as to age, as to previous situation, as to qualification in the way of security for competency or sobriety?—As far as I knew, there was no such thing; the selections have generally been made at the recommendation of some one particular magistrate, who has an overweening influence in the district.

What have been the previous occupations of the men appointed? From what stations of life have they been generally appointed?—That I cannot tell you: various, I apprehend. It is impossible, I conceive, that they could have been recommended for their sobriety, from the results of which I myself have been a witness.

What sort of results were those?—Frequent complaints against them for misconduct.

Will you cite some of them?—I remember one of them, a man of the name of Parkinson, who was constable of the adjoining district. Complaints were made of his frequent intoxication; they somewhat reluctantly admitted the proof of his incapacity.

Was he dismissed?—He was dismissed, because one magistrate insisted upon it; and another, the best acquainted with his delinquency, would not vote until he was pressed greatly.

Are other instances known to you?—Yes; a constable of my own district was about two years ago charged with a very brutal assault upon a girl, whom he falsely accused of a petty theft to cover his purposes. I reported the transaction to the petty sessions, but no notice was taken of it.

To your own mind, was there clear evidence of the truth of the charge?—Conclusive evidence. I think he was fined, but not dismissed, as he ought to have been. A year afterwards the same man was charged with an assault upon a person in a public-house, upon whom he attempted to serve a warrant, which he had had in his possession fifteen months.

Had he had, before that time, opportunities of serving that warrant?—Any one day. This I reported to the petty sessions, and he was ordered to be dismissed, but the order was not carried into execution till three-quarters of a year afterwards.

And during that three-quarters of a year he continued to act as constable?—He did.

What were the reasons for this degree of reluctance to dismiss?—I cannot state them. I can only suppose them from hearsay.

As to the special constables or paid constables generally, what degree of confidence is reposed in them by the farmers or rate-payers, or other persons whose property they are bound to protect?—I have recently made inquiries of the persons who were most interested in the establishment of a good police, whether they considered the Cheshire Local Act to be beneficial or not; and my informants in the district of Bunbury have invariably stated that they considered it a decidedly useless expense, unaccompanied by any one advantage.

§ 157. Where duties, the due performance of which requires special qualifications, are undefined or so little understood as to admit of the supposition (always eagerly favoured by the desire to render personal service or gratify partialities) that almost any person is at once qualified for their performance, the appointments and the continuance in office are commonly determined by the extraneous considerations of personal or party favour. Errors, such as those pointed out by the witnesses, are referable to defective arrangements, to the absence of prescribed qualifications, and the want of supervision of a superior authority watching over the execution of the law. One of the requisite arrangements pointed out by experience is, that the appointments should be made in large districts or on a large scale, by superior and responsible officers, themselves especially qualified for the performance of their duties, and exposed to continued inconvenience from any failure to choose fitting persons. Within small districts the fitting persons are not always readily found, and since there can be no corps or large class in such districts, there is no means of carrying out a system, or of giving any efficient training. In the absence of appropriate information and adequate personal interest on the part of the persons appointing in such districts, who themselves give but casual attention to the performance of their duties, the sinister motives to which we have adverted, and which will always, *cæteris paribus*, have some influence, will have full sway. We find as a general fact that, whilst the knowledge for the guidance of individuals in appointing skilful officers is scanty, their interest in making good appointments is comparatively weak. In some cases indeed they have little or no interest in the prevention of depredation, as in the case of depredations on persons or property *in transitu*, or depredations on strangers and travellers on the main roads or depredations on persons or property in cases of shipwreck. The probability that the person appointing will himself be robbed or suffer injustice within his district, even though it may be a fearful contingency, is yet remote, and, therefore, makes but a feeble impression, whilst the motives of friendship or otherwise are present, active, and absorbing. It is, indeed, to be observed, of persons of higher station and influence, that they are usually the least exposed to the injuries or evils to be prevented. Their property has its special guards and servants or private watchmen; they travel little on foot, and their known means of redress in their wealth is in itself a powerful protection. In illustration, we may cite the evidence of the Rev. Thomas Spencer, the rector of Hinton, near Bath, who, in his examination with relation to a rural district, comprehended chiefly by the Bath Union, of which he was the chairman, describes the influence on the different classes of society of a number of bad

characters, persons unemployed by day, and supposed to be thieves by night:—

I could point out some of those people living without any known means of employment by day, but taken to prison at various times for being caught in depredations by night.

These characters being, as you state, on the prowl by night, is it generally known what is the effect on people in the district?—If I travel by night, country people express their surprise. There is scarcely an individual of my parish that would not express his surprise at a person being out after dark. "I never like to be out after dark," say wealthy farmers to me frequently, and to my astonishment. I was mentioning that to a gentleman the other day as being a thing that persons in the country, from so many unfavourable circumstances, not having the protection of a constabulary, or gas-lights, and other conveniences of a town, are greatly inconvenienced by not being able to go out at night; he said, "I go out at night." Why, I said, that makes all the difference; you have your carriage and two horses, and your coachman and footman, and may travel, perhaps, with perfect impunity; but when a man has a single horse, or a single horse and gig, and has a country of hills a mile in length, or when they are on foot, it is a different matter: and the same person who would be in danger in the one case would not be in danger on the same road, if he travelled as a person of large property does—in his own private carriage,—a gentleman's carriage is not in much danger.

He having a coachman?—A coachman and a footman, and perhaps two or three inside, therefore it is a more formidable thing to attack; but a private individual is without any protection. It is the case very frequently that two or three nights in the week, sometimes two or three hours after dark, sometimes nearly midnight, I am out; and, unless it is just within one hour of sunset, I scarcely ever see a person on the road.

Does not that practically operate as a discouragement to reside in the country, on the parts of persons of small means?—There is everything to drive a man out of the country at this very moment; and, as an individual, I feel if I were not tied by my engagements as a clergyman, and were to consider my own convenience rather than a sense of duty, I should not reside in the country. It is the last thing that any person in my situation would do, to choose a country life, because of the want of the advantages which are possessed in a town, such as the want of security, or of anything in return, in fact, for the taxes I pay. I feel I pay in taxes to the Government a considerable sum, and that in return I am not conscious that I am protected in the least degree in the world.

§ 185. The statements we have received from magistrates acting in districts (proved to be similarly situated to Cheshire) that there was no insecurity or no feeling of insecurity and person or property within those districts, were perfectly correct as statements of their own feelings and of the facts within their own knowledge. We should create an unjust impression if we were to leave it to be supposed that the influence as affecting the appointment and the efficiency of any paid force we have

described were confined to any particular class. It is found that in the appointments to the nightly watch in the rural towns, as well as in the parishes in the metropolis, these influences are always more strongly marked, and lead to the appointments of paupers to relieve the poor's rates, and of decayed porters and men of improper characters to relieve private burdens. These, it is to be observed, are appointments made by shopkeepers of persons to guard their own and their neighbours' shops. We have had one recent instance presented to us where an able-bodied and dissolute pauper having been long burdensome to a parish in one of the city of London Unions, the guardian of the parish, to the marked satisfaction of the majority of the other guardians, got rid of the pauper by procuring him an appointment as one of the nightly watch of his parish. Another guardian, having learned on inquiry by the relieving officer as to the man's previous character, and he (the pauper) had been discharged, and could get no employment on account of frequent depredations which he had committed upon his employer, brought the facts before the Board, remonstrated against the steps that had been taken, and urged the immorality of their being parties to the appointment of such a person to an office of trust and guardianship of the houses and properties of the rate-payers their neighbours. The appeal was, however, totally ineffectual; the immediate motive of relieving the rates prevailed, and the man who had become a pauper because he had been a thief, was made a watchman because he was a pauper, and we are informed that he remained in office as a watchman until he had committed an act of misconduct which rendered his dismissal unavoidable. In the more popular appointments the operation of narrow influences is still more strongly manifested. The officer called the parish beadle usually executes the constabulary duties, and the popular elections of this officer are the subject of ridicule from the successful claims being founded on facts which are in themselves flagrant manifestations of incapacity and untrustworthiness.

§ 159. The evil of such influences extends through the whole of the service; and, in the case of the magistrates, exposes them to suspicion and jealousies, and impairs their influence in the due administration of justice.

§ 160. The inconveniences of the yearly appointments were so far felt in the county which we have had under consideration, that to obviate the evils of local connexions, and want of knowledge on the parts of the chief officers, as well as to gain somewhat of disciplined control over the petty constables, new appointments were made from the metropolitan police. Mr. Trafford was asked,

Of late have you not derived advantage from obtaining officers from the Metropolitan Police?—Yes, very great advantage; I was the first person that applied for that assistance.

From the experience of the services of such trained and skilled officers and the difficulty that we presume exists in training raw and inexperienced men, would you not say that it was essential almost for the success of any measure of this kind at the outset, that the men should, if possible, have had a previous training?—Yes; and in addition to that, I think it would be desirable that the men should be strangers to the neighbourhood in which they are appointed, and that the magistrates should have the power to change them from district to district.

The efficiency of these trained officers was the subject of very general praise. In one township a vote of thanks and some pecuniary reward were voted to the police. Other evidence was afforded, that in due time an efficient force would be appreciated.

§ 161. The common constable, though under the supervision of the magistrates, as we think the paid constables might still be to a considerable extent, was only directly appointable by them, when the leet failed to make a proper appointment. It appears that the new power of the direct appointment of paid constables, by election of the magistrates of Cheshire under whom they subsequently acted, in itself excited much jealousy amongst the farmers and the people generally.

Mr. Trafford was asked—

Is there any sort of information that you can give, in connexion with the petitions against the Act, as to how they originated, or whether there was any grievance or ill working at that time?—I have understood that they were instigated by an attorney. He got the people together, and at last, through the attorney, the idea was circulated, with a great deal of activity, too, that the constables were appointed for the service of Lord Combermere, Sir John Broughton, Lord Crewe, and others who preserve their game; or at least the people got the impression that the police force in the hundred of Nantwich was merely for the preservation of the game. I have heard from different magistrates there, that this got abroad, and many of those men were induced to sign the petition from that impression. We went through some of them. I remember, in one of the petitions, a subscriber was stated as an esquire who was a publican in a small house. There were all sorts of tricks of that description played when they magistrates came to examine them. They are all signed chiefly by men of low description. Certainly there are some few men of a better description,—some of the men I know something of,—but a very small proportion of each township.

It will suffice to show the character of the majority of these petitions, that whilst the state of the county in respect to crime was not dissimilar to that described in the evidence quoted, they alleged that no new force was needed, and that the township or parish constables were efficient, and all that was wanted. The origin of some more recent petitions against a proposed increase of the number of paid constables was investigated at our instance; and it certainly appeared that the

opposition to the increase was instigated by only a small proportion of the inhabitants; that proportion consisted chiefly of persons whose corrupt interests would be affected by the appointment of an efficient constabulary, or of persons who would be properly the subjects of the control of a police. One of the petitions was hawked about by a parish or township constable, whose emoluments from fees would necessarily be reduced by the appointment of salaried officers. Nearly one-third of the householders who signed were beer-shopkeepers or publicans; other signatures were of persons who had been charged or convicted of some offences. One of the petitioners was strongly suspected of being implicated in a murder; and there was only a small minority of signatures of persons who might be deemed disinterested. But although many of the petitions and much of the opposition were doubtless of the character of that opposition which may be expected to be given to any measure in proportion to its efficiency and advantage to the community at large, and were not altogether free from the taint of party jealousy at the exercise of such an authority by the magistrates, had so much weight as to lead them to reduce the numbers appointed against their own convictions; Mr. Trafford was asked—

It appears that the number of special high constables at present appointed is only three, and the number of assistant petty constables for the whole of the townships throughout the county are 24. Were they not at one time much more numerous?—Yes, they were the most numerous in the Nantwich hundred, and were more numerous than at present in this hundred. Burgess was at one time special high constable for Macclesfield, and he certainly did a great deal of good by having at his immediate disposal a certain number of officers under him; and we found in this neighbourhood so much indisposition to the support of this measure, that we availed ourselves of that precedent for appointing a smaller number, in the hopes of quieting people's minds. We did it without that degree of firmness with which we ought to have acted, because, when we had more, the force was more efficient in a greater proportion.

§ 162. Further, there must frequently be deep-seated and real causes of distrust of the direct appointment and administration of such a force by the magistrates—distrust arising out of the relation of master and servant, as well as of employer and labourer. This indicates the need of the intervention of another authority on such occasions. Mr. Trafford was asked—

With regard to the general question about the powers of superior officers, may not it be matter of consideration, of expediency, frequently even as regards the magistrates themselves, with a view to their general purity of bearing and action, and particularly as affects the satisfaction of the people on the occasion of any tumult, that more power should be given to the superintendent on the occasion of any riots, where the magistrates themselves, as employers of labour, are

brought into opposition to their workpeople—so on the occasion of a strike?—There has been sad mischief on that account. A woman came to a friend of mine who acts in one hundred, who said, "For God's sake come and sit upon the Bench, or let my husband's case be heard at another petty sessions." He said, "Why, my good woman?" She replied, "All the magistrates on the Bench where he is to be tried are master manufacturers." That was reported to me by the magistrate—he knew not what to do. He thought it would be extremely improper for him to go there, though a magistrate acting for that division of the county. But that was the case.

§ 163. The functions of the justice of the peace and those of the conservator of the peace are constitutionally distinct, and the evidence shows that, from the altered nature of the demand for those services, the functions have now become decidedly incompatible. The ordinary ground, for the maintenance or revival of the ancient separation of the judicial and the administrative functions, are developed in the examination of Mr. Hopes, a magistrate of the Prestbury division of the hundred of Macclesfield:—

In the metropolis the judicial functions and the functions of a police, that is the functions of hearing and deciding on cases, either finally for the infliction of a penalty, or preparatory, as to whether there is a case made out to put the party on his trial before a superior tribunal, have been separated from those of a police, namely, prevention by watching and the pursuit and apprehension of offenders. These latter functions have been assigned as a division of labour, if we may so express it, by a recent measure, to one distinct and responsible body, namely, the Commissioners having the control over the whole country, and having the power to direct the whole force upon any given point. Now, do you think it desirable, supposing you began the arrangements *de novo*, and to commence the administration now, that such should take place within your own district?—I think it would be exceedingly desirable; the force will, in my opinion, be much better attended to. I think, too, the functions of the magistrates are better performed if separated altogether from giving directions to constables: they would be more independent and have less bias on their minds when hearing the cases brought before them.

Is there not an interest in the pursuit of the offender generated where the magistrate directs the measures for the pursuit?—He must feel some degree of interest in such cases.

In acting as a judge upon a case, as, for example, in determining whether the amount of evidence is sufficient to establish the crime, or to establish it sufficiently to send it to a jury, do you not think it would be better in appearance, and that the *quasi*-judicial function would really work better, if the magistrate knew nothing of the case previously, and his attention were confined strictly to the evidence publicly produced before him?—Such is my opinion.

Now when a magistrate has to give directions for the execution of warrants, of course he must talk with the constables as to the mode of doing it, sometimes as to the probability of capture, and other points of that kind?—Usually he does so.

Does not that circumstance lead to habits of speaking and talking on the part of the constables to the magistrates which if it were done in the case of a judge we should consider unseemly and unbecoming?—These directions lead to a constant communication between the constable and the magistrate, independent of those periods when the magistrate is sitting upon the bench. He will, perhaps, call to tell the magistrate what success he has had, and describe to the magistrate the pursuit of the prisoners, whether it has been successful or not, and perhaps take other and further directions; and those directions do interest the magistrate very much in the pursuit and capture of the prisoner.

Could you say that it is the inevitable result of such a state of circumstances that the magistrate must be extra-judicially, if I may so express it, informed of statements of facts that are likely, in spite of himself, to influence his decision?—It is quite my opinion that it will to some extent, do so with any magistrate.

Do you apprehend that this known habit of communication between the magistrates and the officers may sometimes have an undue influence on the officer's mind, that is, leading him to rely more than he ought to do upon the support and influence of the magistrates in any case where his own conduct might be called into question?—I think that constables do rely very much upon the support of the magistrates; but whether in the present state of the law it be necessary or not for the purposes of the prevention of crime, I cannot say; I have no doubt constables exceed very much that which is their strict legal duty, and, if investigated, would be subject to punishment by legal proceedings; but I would also say that in very few of those cases in which they do exceed the strict law do they apprehend parties that are wholly innocent.

They are liable to excess?—Yes.

In that excess relying upon the support of the magistrates?—No doubt to some extent.]

We would here request attention to the experience upon this topic derived from another part of the country. The following forms part of the evidence of Thomas Dimsdale, Esq., the Secretary to a Rural Police Force maintained at Barnet, in the county of Herts, by voluntary subscription.

Do you not think it would be practicable or advisable that the magistrates should have the immediate direction of the constabulary force; do the magistrates who are members of your committee ever find it necessary or expedient to interfere with the direction of the force in any shape?—No, they leave it entirely to me: they never interfere any further than one gentleman, writing to another, says, "You will be aware that so and so has been before us."

Then they practically keep the constabulary and magisterial functions apart?—Yes, they do.

Do you think that an advantageous course?—Yes,

Do the magistrates themselves consider it so?—They always act upon it.

And how long has been your experience of this Board?—Over nearly the whole space of time since the formation of the association.

And has anything occurred during that twenty years, during which

the magistrates have been members of your committee, and that this separate action has taken place, to induce either the magistrates or yourself to believe, or have any expressions or suggestions to that effect been made to you, that it would be advantageous that the magistrates, as from the bench, should have the control and direction of the constabulary?—They do, generally, but never specifically, as giving hints which their experience and ability enable them to do; they give very valuable hints in committee, but, as connected with the execution of the judicial functions, they never interfere at all, nor in the direction of the force in any way; they give valuable hints, particularly in fearful times, such as in times of incendiarism and so on; they have given suggestions which have been amalgamated in committee, and brought down to something like a proper form.

Have they no constables of their own?—They have; but if you were to hear their opinion of them you would find they make no use of them; they do not rely upon them at all.

Then, in point of fact, they simply exercise their *quasi*-judicial functions as they may be termed?—Yes.

And those hints and suggestions are given to you as judges, living in your neighbourhood, or private gentlemen might give them to you, and not as magistrates?—Never as magistrates, except the offence has been committed on their own property.

Simply as private individuals?—Yes.

Are we to collect from your evidence that it would be an innovation on your practice, to make your constables dependent upon the several benches?—Certainly.

What, in your opinion, would be the effect of such an arrangement in your own neighbourhood?—It would have a very bad effect; it would have this effect:—a man would say, "Why, this gentleman was influential in procuring my situation, or in excusing my errors, or in directing my duties: I must look up to him; he has, in a measure, the scales of my destiny in his hands; I must hold his stirrup and saddle, and go and look after his pheasants if he is fond of shooting; I must take care that his cow is not stolen, or something of that kind, or run on errands for him." Now, the magistrates (very much to their honour) never at all interfere: if a man has been negligent of his duty, he is never said anything to by them; they always refer him to me. They have always acted with a view to conciliate public feeling; then we either call a sub-committee, or I wait upon them to say, "Here is one of our men has committed an irregularity, or something wants inquiring into on the spot; will you give me the afternoon?" and they do: I say, "I am very much obliged to you for your advice and assistance." It is a description of case which requires to be heard before other people, that they may not take a personal view of the case. There is a sort of suspicion or idea, and we take another gentleman, not as a magistrate, to inquire into it.

Of course, in the conduct and organization of a paid constabulary, the men will commit, or frequently be placed in situations to be accused either of having exceeded their powers, or of having given some other occasion of bringing a charge before the magistrates; what would be the effect if the appointment of a paid constabulary were conferred on the magistrates, and all complaints of such illegality, as

committed by those men, were to be made to the magistrates appointing,—that is the effect on the popular mind in such cases, and add to this the consideration of the effect on the mind of the magistrate himself?—The question is somewhat delicate; it is necessary to see the magistrate's power of mind, before one could state what would be the effect of such circumstances upon it. But one of the difficulties is here, if a magistrate should chance to be averse in any district, from prejudice, or any other circumstance, he would do all that he could to make it appear that the new order of things was not productive of any good effect, though we know it is. Then, on the other hand, we should say that possibly a magistrate might have too great a favour or fancy for it, and should run it into a variety of points that it is not necessary to do. In our mixed committee we have persons who are somehow excessively mild in the administration of everything, and others who are known to exceed the other way. There would be continual errors if it were confined to too small a number, or to any one particular grade in society. The magistrates in our own neighbourhood are men of intelligence. The great defect of our country magistrates, I find, is indolence and irregularity. Without there is an extraordinary emergency calls them together, they do not want to be troubled, or to have their quiet disturbed. One or two leading men can do the business very well, but if they are away we feel the loss of them very much. If we had one stipendiary magistrate, that would be all remedied: our gentlemen would be very glad to act with them; there would be no jealousy of opinion at all; they wish to discover which is the best plan.

If the constabulary were in their hands, would there not be a suspicion of partiality, and certainty of mischief in other directions?—Yes, there would be less danger out of their hands than in it, because they would fall too much into the old track: if it were entirely subject to their control, their influence would be an undue and unfair one.

That is, the officers, where there was any implied interest or implied wish or direction, would give their attention unduly to particular classes and descriptions of persons and property?—They would; it is in the nature of things.

§ 164. The more direct practical evidence upon this topic was elicited from Mr. Burgess, the able and intelligent officer whose evidence we have before cited. The following statement appears to us to be deserving of peculiar attention, not only as demonstrative of the necessity of maintaining practically the distinction between the judicial or *quasi*-judicial and the executive functions, but of the high qualifications requisite on the part of the paid officers:—

From my own experience as one of the special high constables under the Cheshire Constabulary Act, as well as a police officer in towns, I venture to say, that it is impracticable to act efficiently under the directions of the magistrate, because the circumstances under which you are obliged to act as an officer are continually changing; and it is impossible for the officer, much less the magistrate, to foresee the circumstances which may appear on the spot: for instance, I may know that stolen goods may be in a particular house, or disposed of by the

occupier; or I may have traced them through his hands; and there may be very good grounds for apprehending him on suspicion. The magistrate may have given his directions or his warrant on this supposition; but, on going to the place, I have received answers which have convinced me that the party has been entirely innocent: instead of being a principal, he has turned out to be the most important witness. If I apprehend him, according to the magistrate's directions on my own first advice, what do I destroy? The witness. For, n the first place, the person will not be well disposed to assist, by being put into gaol when he is innocent; and, in the next place, when he is in court, the thief's counsel will be sure to ask him, "Have you not been in gaol on this charge?" "Yes, I have." "And so you get up this story to get off yourself, by shifting the charge on the innocent man at the bar." Then again the cases are innumerable where I, as an officer (as all officers do), find the proofs of guilt on the spot; and, unless they are acted on at once, all traces are lost. I have, for instance, gone with a warrant to apprehend a man for deserting his family, and I have found, on going into his house, proofs of a felony against him and a whole gang, and by acting at once I have secured and transported those who would have escaped had the magistrate's authority been waited for. There is the greatest security when the place of the officer is made respectable, and he is made responsible. When the magistrate himself is responsible for what he must act upon judicially, a very great deal of useful action is prevented by his not liking to act in the dark. When there was a great deal of incendiarism about the country, there was only one known act of incendiarism committed in the county of Chester. I apprehended the author of that act, and he was executed. The proceedings against the man (who was a blacksmith) and his apprehension were rather a matter of serious responsibility for a simple officer. I tried to get the magistrates' sanction to my proceedings, but they said to me, "Burgess, you know the whole case better than we, and know how best to act;" and, in short, I had to act upon my own responsibility until after the man was committed. When he was committed, I applied for and obtained the aid of a respectable solicitor (Mr. Grimsditch, the present member for Macclesfield); and in such cases it would be better that the officer acting should be backed by the authority of some officer of the nature of a public prosecutor, rather than that it should be thrown upon those who will have to act judicially; for it has very frequently happened, in my own case, that I have had to act on information, which no magistrate could know without being prejudiced against a prisoner.

I am convinced that it is essential to the success or popularity of any rural constabulary, and the due administration of justice, that the magistrates should be relieved from the trouble of directing the constables. At present, from the ignorance of the unpaid constables, the magistrates have to supply their deficiencies, and to inform them what they have to do. If this were to be continued with a paid constabulary, the magistrates would only have to make themselves not only magistrates but superintendents of a police. Wherever anything occurs amiss from the ignorance of the officer a share of the blame falls of course on the magistrate. Gentlemen are appointed to

the office of magistrate from their high respectability to perform magisterial acts, but they are of too high a station in life to be acquainted with the necessary technicalities connected with thief-taking. The magistrate generally acts on the advice of his clerk or agent, who himself can know little of the case except what he gets from the officer. The magistrate can only act on the knowledge of his agents, or the magistrate acts in ignorance. But the effect of all this is very demoralising; it is soon seen through by the people; the officer is made a greater man than he really is, and is looked upon almost as the magistrate, and there is a great deal of sycophancy. Many things are suspected to be done from indirect or improper motives, and the magistrates are made very unpopular. If a magistrate acts under the advice of a zealous and able officer who does his duties in all cases, then, since the authority of the magistrate is supposed to be discretionary, there is a cry out what a harsh magistrate he is. If the officer acts only on his own responsibility it is believed to be his duty. When I acted as one of the special high constables the magistrates prevented all this by keeping their duties separate from mine, and by making it clear that I was responsible for the police duties, and by openly leaving it all to me.

§ 165. The more fully the subject of the separation of the judicial and executive functions of the magistrates is considered, the more clearly will it be seen that those functions are essentially incompatible. It should be borne in mind that the executive business of prevention or repression, of guarding against the probable recurrence of criminal acts and the escapes of criminals, the business of arranging patrols, and the detailed means of information and pursuit, is essentially a business governed by probabilities, deduced from the experience of *classes of cases,* always varying, and requiring constant attention to make the requisite changes and adaptations; whilst the judicial functions of the magistrate, whether in hearing and determining on the sufficiency of evidence, for final sentence summarily, or on its sufficiency to authorise him in sending the party accused to a trial before another tribunal, consists in the examination of the various points of evidence, the circumstances, or various particulars *involved in each case.* The magnitude of the particular cases, when brought close for examination in all their particulars, generally obscures and prevents the possibility of uninterrupted attention to the wider but connected operations of classes of cases. There are few persons experienced in any branch of administration who have not observed or experienced the difficulty of carrying on efficiently in combination these two operations, which become more incompatible in proportion as the business increases in amount and complexity. We cannot cite a higher opinion on this point than that given by Mr. Forster, the late stipendiary magistrate of Manchester, now the chairman of the Lancashire Quarter Sessions:—

You have stated that you have yourself nothing to do either with the internal organization or with the control of the daily force, which serves warrants and executes processes, in addition to the other matters. But your functions are simply judicial functions. Now have you ever had any reason to suppose that it would he beneficial to the public service, or have you experienced any of a directing or con trolling power, or have you any reason to conclude that it would be other than advantageous, generally, as regards the action of a paid constabulary—that the judicial functions and the functions of directing a force of that kind (except judicially) should be kept entirely separate?—My decided opinion is, that it is very desirable and important that the judicial functions of a magistrate should be kept wholly distinct from anything like the control or direction of a police force, or of the constables and officers that appear before him as witnesses. From my own experience, I believe that I have performed my duties here much more advantageously from this circumstance than I otherwise could have done.

I think that all decisions of magistrates in cases where policemen have been concerned are much more satisfactory, and will be far better received than they would be, if that force were supposed to be under their control.

In cases of the action of a force, either of a paid or unpaid constabulary, under the control or direction of the magistrates, is it not unavoidable that the magistrates should take an interest in pursuit, and should receive information extra-judicial, and of which it would be exceedingly difficult to clear their minds when they have to act judicially?—I think so, and it appears to me that a magistrate would not be able to decide with the same impartiality and freedom from bias in cases supported by or instituted against officers who are appointed and governed by himself, and whose conduct he might therefore feel more or less an interest to defend.

One of the first and most important steps in the improvements of the metropolitan police consisted in the separation of these functions, and it will be seen from the evidence of the most experienced professional magistrates, delivered before the recent Committee of the House of Commons, and by the unanimous opinion of the Committee, that the completion of the separation is essential to the completion of the improvement. The demands of time requisite for the performance of the executive duties involved in the efficient superintendence of any well regulated constabulary, which require an uninterrupted daily attention, are now so great as to be compatible only with the performance of the duties as a profession.

We may observe that the distinction of the functions is an early constitutional distinction, widely marked, and in the periods of the greatest efficiency, strongly maintained. Until recently it was recognised by all the text writers. Lambard, in his Eirenarchia, treats of the justice's "double power; the one of jurisdiction, and the other of coercion," &c. Cap. xii. p. 59. "And

herein the justice of the peace is by one halfe superior to the ancient conservator of the peace, who had only coertion or prehension in a few cases, and no jurisdiction in any cause that I remember." The distinction is marked by such passages as the following: "And because, for the most part, there is but one and the same manner of doing, whether the precept come from the justice of the peace as he is a *minister*, or as he is a *judge*, I also will handle them together." Nevertheless, where the demands of time for the performance of the judicial duties of the magistrates are not seriously heavy, they may we conceive be advantageously required, not to perform, but to supervise the performance of executive duties. We shall hereafter specify the nature of the control, which we think they may usefully exercise over any newly-organised and paid constabulary.

The next topics of inquiry were, as to the description of executive regulations or rules of action of the force within each division, and of each division in relation to the others.

§ 166. It is our duty to state, that we found in use in the county no combination of regulations deserving the name of system; no reference to the older specifications of the duties of a constabulary, many of which would have suggested principles of action that are the most simple and efficient we can recommend; no proper methods adopted for securing regular information of the courses of delinquency; no well-regulated communication of intelligence between one division and another; no regular combined action between one set of officers and another; nor any systematised control of the whole, or pre-appointed arrangements, or revival of the ancient and efficient organization of the power of the country, for bringing it forth as a whole.

The general state of the regulations in the county, and of what would be the administration throughout the greater part of the country of any general powers similar to those conferred on the magistrates by the Cheshire Constabulary Act, is, we think, very fairly described in the following evidence of Mr. Hopes, the magistrate whose testimony we have before cited:

Have you any rules or regulations, any book of rules, for the guidance of the officers?—With regard to fees we have.

In no other respect?—In no other respect.

The management of these men, we presume, is left to the high constable, in the intervals of the magistrates' sittings?—Certainly; we do not consider that they have discretion to act as constables without his order, except on view of an offence.

Now what is the nature of their duties in the intervals of your sitting; on the days of sitting they attend upon you, and are at your bidding, to execute warrants or otherwise. Is that their chief business in the

intervals?—Their duty in the intervals, I imagine, is the prevention of crime, and patrolling the district.

Have you any settled routes for them?—That is under the direction of the special high constable; we rely upon him in that respect. He was an Inspector in the London Police, and we rely very much upon his direction of the men as to the routes they should take.

Have you not pointed out any routes for them?—We have not; there are only a few places that are very populous, and those they have directions to attend weekly.

Do you happen to know how many miles of road you have within the district?—The Manchester and London turnpike-road runs through the district, and which, from near Stockport at one end to the river Dane at Uckbridge, is 17 miles.

Supposing these roads to be patrolled, what extent of road have you to cover?—The township roads are spreading out in all directions; I should have some difficulty in giving you the length of those roads.

Do you leave to the Inspector the business of patrolling?—We do.

There are no appointed hours, and no appointed routes?—None; I am now alluding to the county parishes; I imagine the borough has prescribed routes under the Committee of Police.

We may presume that nearly all you see with respect to the conduct of the Inspector, or the conduct of the officers, is what may appear in the cases brought before you as magisrates?—Yes, that and the circumstance of their residing immediately under our eye; that is the only check we have upon them. We have no regular reports as to the state of crime.

Do those men serve a great number of warrants during the week?—Yes, they do; assault warrants and warrants for other misdemeanors.

They are pretty actively employed, each of them, during the day?—Yes, they are very fairly employed.

Then, of course, they cannot be out patrolling, nor is it to be supposed you require them to patrol, at night?—They are not required to patrol at night; I have already said there are no regulations whatever for their patrolling at night. They have directions to visit during the week the populous villages on different days.

Are those settled days?—No, they are not.

What security have you that the officer does visit those places, or that the village is visited?—None, except the character of the Inspector, the person whom I call the special high constable.

But what means has he of knowing it; he relies upon the character of the men?—It certainly comes to that at last, because there is no system by which it is ascertained. He may take the trouble of going to the villages, and inquiring whether the persons were there at certain times or not. There is no check, but personal inquiry, that I am aware of.

In the majority of cases that come before you, are they cases where the aid of the constabulary is sought by the subject; that is, by the person robbed?—Frequently so.

More frequently than otherwise?—No, I could not say that; I do not think that it is so; I should think that in one-half of the cases the constable gets up the matter.

Does the constable derive any emolument from prosecution?—He

receives the fees for attendance at the sessions, in addition to the other ordinary fees.

Does the performance of those duties, serving the warrants, the pursuit and apprehension of offenders where notice is given, or the caption of offenders in those other cases generally, occupy the whole of the time and constitute the whole of the duties performed by your paid constables?—Yes, that, with attending upon the Court of Petty Sessions: occasionally there is vacant time beyond that; then they are visiting the villages about.

In the course of those visits to the villages, do they perform any other duties along the line of patrol or visit?—No, they have no specific duties.

They have no duties in respect of the roads?—None.

Nor in respect, for instance, of the carts. It is not their duty to see as to anybody riding on the shafts?—That they would do from their general knowledge of the law, or they would notice furious driving.

Have you had cases of that description brought frequently?—Occasionally, not frequently. They would also, if drunkenness were apparent, or riotous conduct, inform against or apprehend the party, and they would do that of their own authority as constables.

Do they often take proceedings against the keepers of beer-shops?—Very frequently: there is a penalty in that case, part of which goes to the informer, to the best of my recollection, which is a premium that insures their action in such cases.

Do they at all interfere in any point concerning the rural economy of the farmers. Do they take care and look at his carts in passing?—Nothing whatever of the kind.

If trees are thrown down in the road it is no business of theirs to remove them, or give notice to get them removed?—No.

Or gates thrown off their hinges, to replace them?—No.

Nor of stock which is loose, unless complained of or applied to?—Assuredly not.

Mr. Davenport was examined on the same, as follows:—

You have stated that the farmers are unprotected, and subject to depredations; are the roads patrolled regularly?—Not at all, as far as I am aware of.

Do depredations occur on the roads?—Yes; I have only heard of small depredations on our road, but at Macclesfield, and near the forest, there have been serious highway-robberies.

Have you any lodging-houses for trampers within your district?—Yes.

Are they visited or inspected at all by the constables?—They are very great nuisances; and I have never been able to find a single respectable person who could say one thing in recommendation of them.

Then, being nuisances, they are not kept under control by the paid constables?—No.

Do the constables never inspect the beer-shops and public-houses?—I have no doubt they do: their visits to the public-houses are much too frequent. It has been stated to me, as matter of complaint, that the constables generally become sots; they do visit the public-houses, and drink at them.

Since they do not prevent crime or protect person or property within your neighbourhood, and have not obtained the confidence of the farmers or other possessors of property, what are the services which they really do render? How are they employed?—I have never gone the length of saying that they are of no use whatever. But I do not think that that class of persons who sit down and drink in the public-house, and have no interest in preventing crime, can ever properly fulfil such a situation. Their chief use is their not being confined to a particular township or parish in the service of warrants.

Is the service of warrants their chief occupation?—I believe so.

The officers appointed from the metropolitan police endeavoured to introduce as much as they could (and so far as was compatible with such districts as those to which they were appointed) of the regulations of the force in which they had been trained.

Mr. Stockwin, an Inspector of the Metropolitan Police, and now Superintendent of the Police at Macclesfield, was appointed high constable of the Bucklow division for which Mr. Trafford acts. The witness, after stating that the constabulary was in disrepute at the time of his arrival, and that this effect had been occasioned by the inefficiency of the person he succeeded, proceeds,—

You found it in that state?—Through the inefficiency of the person I succeeded. He had let the thing fall out of the hundred, which was the occasion of the magistrates finding great fault with him, particularly Mr. Trafford. I established it (the constabulary) upon a different footing altogether, by forming them into a night patrol, and appointing them to meet me at different parts of the hundred. I worked very hard. I was generally up four nights a-week.

Was nothing of that kind done before you went there?—Nothing.

Had any report-book or occurrence-sheet been kept?—None had been kept. I established it. I made every man make his report, how employed, and when visited by me, and where.

Were those men the same that had been in action before?—I found one man making a false report before I had been there three weeks, and not going on the line of road. I appointed them to go on such a line of road, and whether I was there or not I could find whether they had been there. I appointed them to be at such and such a house, such and such a beer-shop. I detected him in making a false report, and I had him discharged.

The Metropolitan Police officer, Mr. Harper, who succeeded Mr. Stockwin, was examined on this subject.

Your reports, it appears, are headed Police Reports, and are placed under four columns; the first column showing how employed by day; the second column how employed by night; and the third column remarks and occurrences. Those are different from the forms of the Metropolitan Police Reports?—They are different.

These are reported to you by the different police constables, and you make up from these your report to the magistrates?—I make the report from my own knowledge I investigate every case; I report once a-

month to the magistrates in writing; but, in the mean time, I report on every occurrence of robbery, or any particular occurrence, verbally; then in the monthly returns I report it in writing.

Then you report regularly to the magistrates?—Yes, regularly. On the information of any robbery, or anything of the sort, I first acquaint the magistrates, and then I take either their directions or act on my own judgment.

You report to them verbally. How often do you see them?—Mr. Trafford I can see every morning.

Do you report to him every morning?—Yes; on anything taking place I immediately let him know, and then he gives me directions. If I cannot see him, or the nearest magistrate to the place, I act on my own judgment.

This is the only hundred where this course is adopted?—I believe so, unless it is practised in any part of Macclesfield hundred.

Mr. Trafford happens to be a resident magistrate?—He is. There are two in this township.

And you have no difficulty in finding one of them?—No; we can always find one very near. If Mr. Trafford happens to be from home, which is very seldom, we can always find one.

§ 167. It is a primary principle of action never to be lost sight of, for the prevention of crime, that the information tracing the track of delinquency can scarcely be too minute or too promptly communicated. Under the new system of the Metropolitan Police, a daily report or presentment is made to the Commissioners of all the chief occurrences which have taken place during the preceding twenty-four hours, in every division of nearly two counties, upon which presentment such instructions are given as any special circumstances may appear to require. Upon other reports, made at such intervals as to comprehend the general results, if it shall appear that in any district there has been an influx of depredators, additional strength is directed upon it, or explanations are required if any marked evil appear to continue without abatement.

Mr. Trafford, who had a paternal zeal for the well-working of the experiment of a paid constabulary within the county, undertook for his division the performance of such duties, which he thus describes:—

It appears that your own is the only hundred where regular reports are required and daily reports made, and that you are the only magistrate who do require it. Generally, in your view, for the efficiency of a force, if such services cannot be obtained from the magistrates, some officer should be appointed and paid for it?—I think it would be serviceable for the superintendent [an officer recommended in another answer] to receive the returns of the county; and we should have another advantage. I know that in many cases there are more crimes committed than appear in the reports. When I find that there are certain points not mentioned, that leads me to think that there is something more than is reported, I inquire into it, so that I know exactly what is going on. I get information if thieves and

gamblers get together; I know of most men of suspicious character. It thus gives me an opportunity of directing the constables' attention to that particular point. In Sale and Tarporley we have some very bad characters. We transported a woman lately from the latter township, who was convicted for receiving stolen goods on the canal, to whom I had directed the attention of the police.

However, these reports have been established in no other instance, except in this hundred?—No.

§ 168. The whole weight of evidence in the county appeared to us to be conclusive that a more systematised control of the constabulary was requisite to give it efficiency, and that the experiment of separate and discretionary management by the petty sessional divisions was a failure. On this point we would submit the evidence of Mr. Trafford as peculiarly important:

Supposing you were again to apply for any amendments, or to advise, with respect to the alteration of this Bill, on obtaining a similar Bill for any other county, in what respect would you suggest alterations or amendments? I would make it imperative that the magistrates should appoint police-officers in proportion to the population of their district. That should be the governing principle. I would have a superintendent, whether a magistrate or otherwise, over the whole, that should give his directions, and look into the proceedings of every high constable, and receive the returns of the petty constables, and all information should be conveyed to him; and it should be incumbent upon him to circulate handbills with regard to all offences, with the descriptions of the suspected parties; to cause that information not only to be inserted in the Hue and Cry in London, but he should circulate it amongst the officers of the adjoining counties.

In another answer he repeats the expression of his conclusion, that for a county the police should be uniform, and that no discretionary power of making distinct arrangements should be conferred on the divisions:

Taking the Cheshire Constabulary Act clause by clause, to obtain the results of your experience as to its operation, is there anything in the second clause you would alter?—I think I would alter that clause in this way; I would make it uniform, that without the recommendation to the magistrates the whole of the county should be put under a certain police, and that clause would have to be altered; I would have it imperative that the police should extend through the whole county.

§ 169. We found that strong jealousies existed, and consequent want of co-operation and waste of force existed between the paid officers of the boroughs, and the paid officers of the county, not to speak of feelings of jealousy entertained towards the county magistrates by the borough magistrates. The action of such feelings on the part of the inferior officers is illustrated in the following portion of Mr. Burgess's examination. He had stated that the action of the paid constables of the county had been met by manifestations of jealousy on the part of the officers of Macclesfield:—

How was this jealousy displayed?—Principally when my men and myself found it requisite to search.

And how then?—If we took the man, the town officers would scamper off to get, if possible, possession of the property, if they could learn where it was; or, if we had the property, they would fag very hard for the thief.

Then, as special high constable, you and your assistants had power to act in the borough?—Yes, but the borough officers were confined to their limits; they now extend, by the new Bill, for eight miles.

To what do you chiefly attribute this jealousy? Mr. Grimsditch, an attorney at Macclesfield, who was mayor at one time when I was acting in the hundred, contended that the county authorities and magistrates had no right to interfere in the borough.

Then, in fact, the jealousy was entertained by the magistrates?—To a certain extent.

Has this system of "cross purposes" been the means of impeding justice?—I would mention a case. I apprehended a man in the rural districts for felony; he was tried and sentenced to 12 months' imprisonment; one of the beadles of Macclesfield got up and gave the man an excellent character; I immediately rose in the court and stated the beadle knew the prisoner to be a thief, and that he had at the very time some property in his house which he knew the prisoner had stolen, and which he found when searching the house.

What did the magistrates say to this?—They represented it through Mr. Stacey (since dead) to the borough magistrates. I do not think the town interfered in the matter, for the officer continued nearly two years afterwards in office.

§ 170. More full evidence with relation to the state of a town, and the loss from the separate action of a police is given by the high constable of Stockport, which we shall subsequently have occasion to quote, together with other evidence on the subject. Adopting the conclusion of Mr. Trafford that the police arrangements should extend to the whole county, we have to state that the evidence shows that any arrangements which did not include the boroughs within the same force would be attended with mutual irritation, loss of money, and inefficiency. It is proved beyond a doubt that the most effectual preventive efforts for the protection of one district must frequently be applied, not within the district, but in other and distant districts; that the most effectual measures for the prevention of crime in the rural districts must be applied in the towns, and that the towns cannot be effectually protected, except at an enormous and unnecessary expense, unless corresponding measures be taken in the adjacent rural districts. The appointment of one uniform and extensive force must abate the jealousies which impede the action of a local force. This conclusion will be more fully illustrated in the subsequent evidence.

The evidence which we have adduced will suffice to show the

main causes of the failure of any paid constabulary which is left dependent on the varying discretions of the authorities in small and separate localities, and which is not aided by other measures of a comprehensive character.

§ 171. The attempts of the magistrates of Cheshire to improve the penal administration of their county, the first provincial attempt of late years in the country, are honourable to them, though they have failed of the full effects intended. Attempts of a similar character have even more conspicuously failed in the hands of the paid professional magistrates of the metropolis, who have devoted their whole time to the performance of their duties. The first and only important improvement of the Metropolitan Police consisted in its organisation upon a large scale, and in subjecting it to unity of action. The completion of the improvement is there retarded by legislative defects which pervade the country.

When we speak of the Chester Constabulary Act as a failure, we would be understood that failure was relative; positively, the appointment of the paid officers has, we believe, amply justified the expense. We believe that they have kept crime in check within the county, and that had they not been appointed, the whole would have been in the condition of the hundred of Broxton, at the time when we examined it. In particular districts where trained men have been in action, they appear to have given satisfaction. From the evidence we have elsewhere adduced, with respect to the deficiency of information as to the extent of crime committed throughout the country, it will be seen that we submit the evidence respecting the state of such information possessed by the magistrates of Cheshire, not as peculiar to them, but as more completely illustrative of the defects of general arrangements which appear to us to require remedies. So also with respect to the attempts to carry on in combination executive and judicial duties. The answers from nearly every county show, almost as strongly as those we have cited from Cheshire, that defective information as to the extent, progress, and causes of the evils in question, is always attended as a consequence by defective arrangements actually existing, and by equally inadequate conceptions of appropriate remedies.

§ 172. One of the most valuable instances of the use of a paid agency for the prevention of crime in rural districts is that afforded by the Barnet Association. In citing the evidence of Mr. Dimsdale, we have already availed ourselves of the experience derived under this Association, and shall have occasions to recur to it. The Association was formed in the year 1813, simply as an association to offer rewards for the apprehension of persons who committed offences against any of

its members. In this shape it did no more good than the greater proportion of the associations of the same nature. It was then altered to an Association for maintaining two paid officers to prevent crime by patrolling the district. The force was ably superintended by Mr. Dimsdale, a gentleman who has taken an interest in the subject. In consequence of the success of the force in prevention, effected by means of watch and ward, or patrolling, the number of men was increased, as stated in the following portion of his examination:—

You mentioned the course you took at the establishment; you began only with two men?—Yes.

You then proceeded to have two constantly; and then extended it to six; was that in consequence of extension of district, or extension of duties?—A little of both; because our fame was extended; and, from success, persons were induced to be anxious to come within our circle; so that, every now and then, we had one and another coming in, till at last we were obliged to stop at Watford. There they requested us to take them in. I said, "Positively our machinery will not extend so far."

What sort of events or facts were there that extended your fame?—It being very evident that the extremity of our circle was the beginning of depredation. Our boundary was as much marked by the commencement of crime as if you had made a boundary-line about it. A farmer, for example, whom I might name, found that his gates were broken and carried away, and his poultry stolen. He was the subject of a great deal of depredation. He mentioned it to his landlord. He said, "Why, how is this, you are not one of the Association?" "Why," he said, "as to paying a reward, I do not see that it does any good. I belonged to one in Essex; but I did not derive any benefit from it." "Oh!" said his landlord, "ours is one for protecting and watching the district." Well, he came in and said, "Sir, I hear I am a marked man because I am not in your circle." Some of his labourers had said that if he was in the Association they would not steal his things. He became a member of the Association; and now they do not take a single thing. The effect upon the depredators is just as if they had a list of us.

Are there people near the district who are desirous of joining?—Yes, in every direction.

What were the events that required an extension of the force as to number?—The increase of territory, and the events that there were of an alarming nature; incendiarism in particular. We called a special meeting upon that, to devise what we should do. Our funds then were only 150*l.* a-year. We said that we really anticipated that, if the public were to enter and to go with us, we should be able to raise the means of putting an end to it. Some, who were men of wealth, said, "We will pay it ourselves; it shall not stand still a day for that. We will try it a quarter of a year, and then you must report." And I did report. The people have fallen into it.

It is only, then, by such events operating upon the fears that persons will be induced to come forward to form voluntary associations?—Yes.

And some conspicuous events also are requisite?—Yes, in a great measure. It is like the fire-offices in London; a great fire in a neighbourhood increases the insurances all round.

What proportion of those who have been so protected in the district are not subscribers?—A very small proportion. We find the people diversified in their ways. Some of them are very sordid, and take from us twice as much service as they pay for.

If the force were made general, and so arranged as to direct it upon distant districts, where it is wanted, as during fairs and other occasions of that kind, do you consider that the force might be economised?—Very greatly, indeed: one mounted horseman instead of three would do.

§ 173. The effect of the watching and patrolling in this district will, by those acquainted with the habits of farmers, be appreciated from the fact that they voluntarily subscribe two shillings per week for the maintenance of the force. We could perceive no essential differences, in the circumstances of that part of the country, to render the experience inapplicable to any considerable portion of the rural districts: Mr. Dimsdale was asked—

Have you given much attention to the subject of a general organization of the constabulary throughout the country, supposing your own force were extended in your own county, taking that first?—I think, from the information I have had, that such a force as ours is very nearly applicable to all the duties of a rural district. The rural districts are all very similar to ours. If you were to take the rural districts from Barnet, the north road, you would go almost to Leeds. It is all almost one description of district. In the manufacturing districts it is very different.

§ 174. We did not find that in the regulations of the Cheshire Constabulary any special attention was paid to such minor conveniences of the public in general, or such smaller occasions for protection as are described in the preceding evidence, which, in the aggregate, are commonly the most important. Private watches usually fail more completely in these respects, as they are commonly destitute of superintendence to keep the men to their duties. In this instance the association derived from unbought zeal the advantage of the superintendence and intelligence which in general can be relied upon only from the inducement of payment. Part of the advantages derivable to rural districts from a well conducted paid force were thus stated by Mr. Dimsdale:—

Is it to be presumed, from what has been stated by the superintendent, that it would be desirable that the officers of the police should be fully employed?—Decidedly; and it would add to the respectability and usefulness of the force altogether.

What other duties, besides those of apprehending offenders, could they execute?—I think they should enforce penal statutes.

The penal statutes which relate to what subjects?—Overloading

stage-coaches; men riding on their carts; driving on the wrong side of the way; giving aid to passengers that call for aid; putting carts out of the way, and taking them to the pound. That is, as far as my information goes, of that class of duties; there are a good many more. They might be made supervisors of weights and measures; they might call up those persons who were within their beats at any unusual hour of night or morning who desired it; they should take care of and impound strayed cattle, protect wanderers, &c.

With respect to the performance of that duty in the rural districts, of what sort of service have the farmers found your paid constables?—Very great. There is hardly a strayed horse or a cow in the neighbourhood but has, through their instrumentality, been heard of; it is very rarely that one is missing altogether. Again, if we had an efficient police, we could render horse-stealing or cattle-stealing quite impossible. I should call upon the men upon my line. I should say, "If anything is lost or strayed in your district, I shall expect you to account for it." I have no doubt that the trampers coming to London, when a horse is stolen, bring it up to London. There was one stolen the other day; we made inquiries, and found out who sold it. The tramper has not gone back again to Hertford. If the ground were covered with a proper constabulary, and this depredation prevented, when the farmers found their cattle were safe, that would reconcile them immediately to it.

Now, as to their gates and hedges?—It is not an unfrequent thing for the gipsies, if they are locked, to break them open, and to put in their cattle to graze, and take them out in the morning. Not only is this done, but the farmer's stock is let out. We have exercised the right, very beneficially indeed, of searching men in going to market in every direction. We almost make a point, without they are very well known, to search the higglers' and even farmers' carts, to see that they take nothing more than what ought to go to market; that they do not take a truss of hay or nest of eggs extra, or anything on their carts not right. If so, we take them away.

You are speaking of your subscribers', the farmers', own men?—Yes.

Is there a great deal of that description of depredation?—Not with us.

Is there elsewhere?—Yes, a great deal. There is another case. Mr. Strong has become an amateur farmer; his men suppose he is not a person likely to detect the depredation if they take a truss extra. His man, in 21 times going to London, left, 19 times, a truss of hay at a public-house at Holloway. Mr. Strong wanted us to stop it in our district. At last he came through our parish: one of our men followed him, and requested an officer of the London police to follow him, and see what he did with it. He left the hay out of our district. He was tried for it last week; but the jury thought that Mr. Strong could not swear to the hay, and they acquitted him. We put a couple of men on the scent, and detected him at once.

Do the farmers' men in your neighbourhood, therefore, find any difficulty in committing depredations?—Yes; it was to that impression I alluded in the case of the farmer who wished to join our association. They can take nothing through our district as a practice. It is no use to attempt taking anything through Barnet. They say, "They are so d——d sharp, we cannot get through."

Will you enumerate other collateral uses of your force?—To report the hours of public-houses and beer-shops. The hours that they are allowed is at the discretion of the magistrates; they appoint various hours. Some shut up at 11, and some at 10. Then they shut up their houses, and say there is nobody in there but lodgers; the lodgers are "anybodies." The doors are shut; then the officers have no authority to go in. If they were three or four times to report that, as they go past, they hear singing at 11 or 12 at night, that might do good. The new Licensing Act gives them the power to inform against the keepers in case they keep their houses open after hours. They do not keep their houses open; they will not let you in if you wish. If the constables, on hearing any noise of singing and drinking, particularly indicating that the business was going on as usual, they ought to have the power of entering. The constables should keep a report, in fact, of everything that occurs; and they should give, at the bottom of every day's report, a statement of the weather and of all occurrences, gates broken, those who were out at night, and who burn lights. If such reports served no other purpose, they would be important as training the men to habits of observation and ensuring vigilance.

Is the burning of a light at night an important point?—Yes, a very essential point. If they live on the edges of commons, it is a guide to bring the rogues home, because they come home over hedge and ditch. If there is a light put up, then they can see the way to come home. There is no reason for a cottager burning a light. If we see one burning, we always inquire whether they were sick, and so on; and by that means we come at the cause.

In an ordinary case, would that not be a direction almost to watch?—Yes, our men do watch. There was a young man, named Briers; he had a light burning in his cottage: we knew he was waiting for something: one consequence was, we found him out. This light was to show him home.

We shall hereafter show that a rural police may be made to render other important services not commonly conceived as forming part of the functions of such an agency.

§ 175. The following evidence of the collector to the association will serve to illustrate more clearly the nature of the services which such a force may be made to render to the owners of farm produce:—

Do you find the farmers pay their voluntary subscriptions readily?—Yes; all those who subscribe pay very readily. Indeed, if we could extend our force, which is chiefly a night patrol, and have one for the day, they would subscribe more. One farmer told me, when I was collecting his subscription, that he would pay one pound a-year more in order to strengthen the force and have a day patrol as well as a night patrol; for he said his hedges were more destroyed in the day than in the night. We could not comply with his wishes; and I have learned from him that other farmers have talked of subscribing to maintain a man for the day for themselves.

That is, to prevent hedge-breaking and disturbances of their farming economy, in which they find such force as they already have useful?—Yes; the farmers wanted the men almost entirely for that; for report-

ing on damage done and putting the gates on the hinges as they pass, taking care of strays, and so on.

Do they do more than traverse the outside of the farm?—Yes; they get over the gates, and they examine the farmyard and premises. Some farmers give them keys to enable them to go more minutely over the premises. After going round them they go under the farmer's or subscriber's window, where it is required or not objected to, and they gently cry "Patrol," to show that they are there. If they have any suspicion, or anything to say, they report it to the farmer; and if he has anything to say, they hear it. They have detected farm servants stealing corn from the horses, and taking hay in the carts more than they ought to take, and have put a stop to a very great deal of depredation, as the farmers feel.

§ 176. We have received from the magistrates of the petty sessions held at Stow-on-the-Wold a report on the use of the trained force, from which we make the following extracts:—

In the spring of the year 1834, an outrageous murder and robbery, committed in the outskirts of the town of Stow, led to the employment of an experienced officer of the Metropolitan Police to assist in discovering the perpetrators. In the course of the investigations then made, it appeared so manifestly that there existed a lamentable demoralization in the town and adjacent villages, and so much was developed to convince those concerned in the inquiry, that the frequent petty misdemeanors and felonies, as well as the more serious offences, and especially the then frequent occurrence of sheep-stealing, were traceable to an extensive corruption of habits among the lowest classes, which could not be checked by the ordinary means of prevention, that it was soon generally desired by all the respectable classes of the community, farmers and tradesmen as well as gentry and magistracy, that an extra preventive force, in the nature of a resident police, should be established. The result was the forming of an association for the better security of life and property in the neighbourhood of Stow, and a consequent application by one of us for permission to engage two competent officers from the Metropolitan Police. The requisite sanction having been granted at the Home Office, and Colonel Rowan having kindly selected two officers for the purpose, the system has been pursued uninterruptedly to the present time. The accompanying rules of the association will explain the general principles followed. The extent of the circuit under the charge of the two officers may be estimated as a circle of which Stow is the centre, with a diameter of six miles, on an average, including a population of above 5000 inhabitants. Besides the committee mentioned in the regulations, it was arranged that the more peculiar charge of directing the officers should be confided to three subscribers; and we, having been selected for that purpose, have continued to superintend the arrangements. Our instructions to the officers were general, chiefly directed to the maintenance of a careful system of night patrolling and a watchful attention to the movements and habits of suspicious characters, both of inhabitants and strangers. By the uncertainty of the direction in which the officers moved by night, a sense of what may be called their ubiquity was kept up; and whereas, formerly, night-

strollers and pilferers were very common, in a short time the town and its environs were comparatively unfrequented at night. Orders were given for a careful and regular inspection of public-houses and beer-shops; to which we impute the fact that the regularity of these places of resort has been greatly increased. The lodging-houses for vagrants were in like manner looked after; and the result has been a marked diminution in the numbers of those wanderers, by whom the neighbourhood was infested. The disorder and robberies heretofore common at the two great fairs held at Stow every year, owing to the irregular habits of the idle and dissolute, and to the concourse of thieves and prostitutes known to come from Bristol, Birmingham, and even London, as well as from other nearer places, have, owing to the increased difficulty of avoiding detection, been very materially reduced. The class of drunken and disorderly has in a great measure been limited in course of time to a few incorrigible offenders who are occasionally brought before the magistrates. Sheep-stealing, once so common that, during the winter months, a sheep was stolen in the neighbourhood, on an average, once in a fortnight, has so far been kept under, that one sheep only has been stolen within the circuit of our paid officers since they have been stationed at Stow. Barn-breaking, house-breaking, poultry-stealing, the stealing of farming implements, and the like, are now of very rare occurrence; as may be seen by reference to the subjoined particulars, taken from the charge-book and other documents kept by the officers and submitted to us. The magistrates acting for those divisions of Oxfordshire and Worcestershire, which adjoin the division of Slaughter in Gloucestershire, within which we act, swore in our paid officers as constables to act within their respective counties, so as to afford a wider scope for the operations of the men in case of need; and they have been instrumental in bringing to justice several offenders charged with breaches of the law within those counties. The magistrates acting for the division of Slaughter require the attendance of the paid officers at their weekly petty sessions held at Stow; the men are thereby rendered familiar with the general business transacted at petty sessions in a rural district, and enabled to acquaint themselves with the persons, characters, habits, and connexions of that class which ordinarily come within the scope of magisterial animadversion and punishment. At the same time, their experience as officers of police render them far more regular and efficient in the discharge of the duties of constable than the local parish constables. It is our firm persuasion that the number of offences within our division would have been much larger than it actually is if the system of paid officers had not been adopted. Being assured that the men selected were persons well trained, and on whose judgment and experience reliance might be safely placed, while we kept a vigilant eye on their conduct, we contented ourselves with giving them general instructions to accommodate the regulations of the police establishment in the metropolis, with which they were familiar, to the peculiar circumstances of the rural district in which their services were required. And we have great satisfaction in bearing testimony to the uniform steadiness, sobriety, diligence, intelligence, and good temper with which those services have been performed.

§ 177. From the beginning the men were justly popular with the subscribers to the association, and with all respectable inhabitants within their district, and equally unpopular with the turbulent and disorderly. In dealing with the latter description of persons, they have united firmness and decision of character with forbearance and good humour. To say less than this would be to act unjustly in respect to James Otway, the senior officer, and George Millington, who was the subordinate officer for a year and a half before his removal to the situation of senior officer at Morton in Marsh. William Bennett, the present subordinate officer at Stow, also merits our favourable notice. In testimony of the sense entertained as well of the value of the system pursued, as of the character of the officers employed, we beg to name that on the occasion of the removal of George Millington from Stow to Moreton, a subscription, originating with the farmers contributing to the association, was made, and a handsome sum collected, was divided as a gratuity between James Otway and George Millington, in consideration of their uniform good conduct, and of the value in which their services were held.

§ 178. The resources for the maintenance of our establishment are entirely voluntary, and have hitherto sufficed for the purpose; but we cannot disguise from ourselves that, on several accounts, such a basis is not to be wholly depended upon. It is defective on the obvious principle that the subscriber is contributing not only to the security of the property of himself and other contributors, but to the security of those who, having the means, want the inclination to be liberal. It is defective, because annual subscriptions are distasteful to and alien from the habits of farmers and tradesmen. It is defective, because the spirit and liberality of one parish varies greatly from the spirit and liberality of another: hence jealousy that one place or individual does not come forward as freely as another. The persuasion of the advantages of the system is as strong as ever; but except as to the subscriptions of the gentry and clergy, the promptitude to subscribe, and the punctuality with which subscriptions are paid in, are on the decrease. This causes us to be anxious for some legislative enactment by which our arrangements or others analogous to them may be rendered permanent, by being made to depend on funds derived from a rateable assessment on property chargeable to the poor-rates.

The anxiety which we feel for the establishment of a more efficient rural constabulary force, and that degree of experience which we derive from a service of many years' duration as acting magistrates, coupled with that which we have acquired by the working of a system of paid officers for two years and a half, embolden us to intrude a few observations which occur to us on the general objects of your Commission.

§ 179. As far as our experience extends, we are convinced of the incompetency and inefficiency of the old parish constable. He holds his office generally for a year; he enters upon its duties unwillingly; he knows little what is required of him; is scantily paid for some things, has no remuneration in many cases; he has local connexions; is actuated by personal apprehension, and dreads making himself obnoxious. His private occupations as a farmer or little tradesman engross his time, and, in most cases, render him loth to exertion as a public

officer; and all these drawbacks have induced a general persuasion that, in ordinary cases, the parish constable has an interest in keeping out of the way when his services are called for. In extraordinary cases of riot or disturbance, or when agitation prevails, to his ignorance of his duty is superadded the strong fear of personal risk to himself or his property; he shrinks from acting with prompt energy, because he fears to become the object of vindictive retaliation, expecting to see his property damaged; and, if a farmer, being under a constant alarm lest his ricks may be burnt, or his cattle injured.

§ 180. We are strongly impressed with the opinion that the efficiency of a constabulary force will be greatly increased by the selection of men not having a local connexion with the district or place in which they serve: the absence of local habits, intimacies, prejudices, and prepossessions, seems to us essential. For this reason the subordinate officers ought, as we think, to be imported, as it were, from other localities; persons otherwise competent to discharge the duties of a constable would, when at home, probably, be hampered in the due execution of their office by the old associations of the neighbourhood of which they are natives. It might even be desirable that their sphere of duty should be occasionally changed.

We have inserted in the Appendix the other portions of this Report.

Charles Pole, Esq., the Bank Director, who resides at Wickhill, near Stow, and is one of the magistrates who signed this report, being further examined with relation to it, was asked—

Did the officers patrol the neighbourhood at night?—Yes; and Otway (our principal officer) told me, "When I first came here I found out at night an amazing number of persons constantly moving about the country, and in less than twelve months time I could go the whole of my beat and hardly see a soul until the morning, when they were going to their work." In addition to this (though that is not a part of their duty) they have found bundles of night nets, the poachers having been disturbed by their moving about. There was a man resident there of notorious character; the officer I spoke of has driven him away: he fixed his station at Stow-on-the-Wold, and took out a license to sell game, and since the officers have been down there, so completely has that night operation been stopped that he has moved off. He says he cannot go on any longer, and so he has gone away because they have stopped the poaching.

By stopping the poaching was petty depredation also stopped?—Stopping the one has in a great degree stopped the other. It has stopped that nightwork: in support of this I can only say that we have only lost one sheep since the officers have been there, and within this last fortnight we have lost another. That was at the time of the ball; we had the men up there, and the thieves went and stole that sheep that very night. We can now leave our implements out, which we could not do formerly; they were constantly being stolen. The farmers now I see them going home at all hours without any fear or apprehension whatever. I may say myself I am moving about a little at nights; I come home and do not see any vagabonds; that tramping class of people are entirely gone; our fairs, where the intimidations used to be

shocking; we had gangs of men used to come from Birmingham and Bristol, and so on, which, since Otway has been down there, we have not had; there have not been two depredations committed there; all the thimble-rig gentry have walked off.

Then quite a new state of things has been produced?—Perfectly so. As a magistrate, I have nothing to do except some trifling assault from drunkenness, or something of that sort; really we have nothing to do as magistrates. Then another thing with us is this; we have found advantage in this way; whenever anything is required for getting up our cases, our men are so perfect, that Mr. Bathurst, our chairman, whenever he sees Otway, knows his cases will not last ten minutes, in consequence of his knowledge in getting up the case.

In a former letter to the Commissioners of Police, applying for an increase of the force, you state, "Although I have the pleasure to address you in my individual name, I beg you to understand that I am communicating the unanimous sentiments of my brother magistrates, the yeomen, farmers, and others; and I can add, that a person residing in Stow, whose sentiments were not likely to approve of the principles of such a police, declares that experience has proved to him its very great utility, and that he felt assured that if it was withdrawn he should be obliged to leave his house and premises."—I forget the name of that person, but he is a most notorious Radical; he declared that he had no idea what a police was till they came; he subscribes, and says that if the police were to go he should shut up shop and be off. He was a man we thought would have been always against us.

§ 181. The clearance of the particular district and the increase of crime in its neighbourhood led to the formation of similar associations in the adjacent districts. At present there are twelve of the metropolitan police in action with similar success maintained by voluntary contributions. Mr. Pole states, in the course of his examination—

We can, at any one time that we want, muster ten or twelve of those policemen, all paid by different districts and by different Associations. Another thing of great importance is this: formerly we had a great deal of trouble in getting persons to act as special constables; they do not seem to have that dislike now that they had before. When we have occasion for special constables every body knows what they have to do: they say, "Only put Otway at our head and he will put us all right and make us act properly." That is a great point, the special constables having a head to direct them.

Then upon any occasions of extraordinary meeting, or apprehension of disorder, and your twelve men belonging to your different Associations being necessary, your head man is the head superintendent?—Yes, he is the head man. At Stow fair we have our two men; we always get a man from Bourton-on-the-Water, one from Moreton-in-the-Marsh, and if they think that is not sufficient he brings up one of his assistants, because he has two men under him, one at Moreton and another joined on to him; he is the superintendent there for Blockley, which is a manufacturing place.

§ 182. We are strongly impressed by the instances of trial presented to us, with the opinion that any new force properly ap-

pointed and superintended would, after a sufficient trial, become popular with the great body of the labouring classes, and all other classes of society. The other instances of the extensive repression of crime in the rural districts by watching, and the agency of a paid constabulary that have been brought to our notice, are nearly all of them instances where trained men have been taken from the metropolitan Police, to whose efficiency unanimous testimony is given.

§ 183. We select one instance which was brought before us by the present Lord Mayor of the City of London (Alderman Wilson). His country seat is at Beckenham, in Kent. About four years ago the condition of the parish appears to have been similar to that described of Stow-on-the-Wold. Great alarm was excited by daring robberies; farm produce was pillaged, and the place was infested by vagrants. But the adoption of the Parochial Watching and Lighting Act was strongly opposed by the farmers on the ground of the expense, and a subscription was raised to pay constables. His lordship applied to the Metropolitan Police Commissioners for trained policemen, and obtained two. The effect of the exertions of these two men upon the condition of the place was soon strongly marked:—

What is the result now of the change in the parish of Beckenham with regard to the safety of property in the parish?—Those who knew the parish three years ago would not suppose it to be the same parish now. I think it would be the greatest blessing that could be conferred upon the country the appointment of a rural police, under a head of management, such as that of the Metropolitan Police, where the men could be changed and be had up occasionally to London to gain experience; and if one part was found to have more thieves than another, a more experienced man might be sent down, while a part which was quiet and retired would do with a less experienced man.

From your own experience, then, you consider that it is applicable to rural districts generally, applicable to the districts immediately adjacent to yourself, and applicable to all parts of the country?—Yes; and not only applicable, but the magistrates of Bromley have said to me that it is not fair to the adjoining parishes, rural police being in one parish and not in another; it is overwhelming the adjoining parishes with all the thieves and paupers from the other parishes.

§ 184. Has your Lordship found the police of any use in checking the depredations of farm-servants, or of labourers, upon agricultural or rural property?—So much so, that one of our most violent opponents, a man of the name of Rogers, who declared he never would subscribe before we put the Act of Parliament in force, came to me one day and said, "Sir, the police have taken five or six persons in my field cutting turnip-tops; they have taken seven sacks; they are at the George now; will you come and hear the case? We are very fond of turnip-tops, all my family, but we are so short of food for our cattle, that I have not allowed one plateful to be brought to my table this spring, and these men have cut seven sacks." I went directly, and fined the parties from 1*s.* up to 5*s.*, which was quite heavy enough to prevent

the same party coming again. The first year that I established this police, I am sure I cannot tell how many sacks of turnip-tops were stopped by the police at all hours of the night, and early in the morning, and vegetables, and water-cresses, and everything of that kind, persons coming from London to fetch them. One night they found two fellows fast asleep upon the common, with their baskets, and they had got their strap to put round their waist; they said they had only come to gather water-cresses; however, they were known. I had had them before, and I sent them down to Maidstone for sleeping in the open air. The report which I sent to the Metropolitan Police Commissioners states the quantity of sacks that we discovered the first year. There was an acre and a half of Swedish turnips destroyed in one night, the tops cut off; but we have put a stop to that now; we have been a year without any thing of the kind occurring, except this one case last year; and the year before last we had not any turnip-tops taken. There was one very strong case indeed. At 10 o'clock at night, as the police were going across a field, they observed two men; they thought they would watch them, to see where they were going to. They hid themselves, one in one part and another in another. By and bye they heard from one of my field gates a whistle; they looked through the hedge and saw a man come to the gate, and get up as if he was coming over; then he whistled again, and the man got down; in a few minutes more he said, "All right, Jack;" and over the gate he came with a sack on his shoulders, to go back the same way they had come. The police ran through another field and met them. "What have you got here?" "Nothing at all." "I must see what it is." One had got a sack of green gages, and another of potatoes. That is one proof among many others I could give of the use of a police.

§ 185. At present, then, the neighbourhood is freed from vagrants within the village?—I should say entirely so. We hardly know what a beggar is. You do not see a beggar publicly. They may get into the grounds under the pretext of selling tapes and things of that kind. I have not been asked for relief by a vagrant in the village of Beckenham for the last twelve months.

From the experience of that village, has your Lordship any doubt of the practicability of repressing the crimes attached to mendicancy as well as the crimes committed by regular thieves—persons devoting themselves exclusively to robbery, by the agency of a well-organised police?—I believe it may be entirely suppressed by means of a police. I think, also, a great deal of the depredation committed arises from the class of beggars who, under the pretext of being beggars, get into different places and observe the locks and bolts, and so find the way into the house, which is robbed at night. Before the new police at Beckenham, we had a regular set of persons who used to come from Deptford, with donkies and carts, hired for the day, to buy bones or pick up ashes, or anything they could steal and put them into the carts. Those were the parties, I believe, that used to steal the lead. We were robbed night after night. They went along a whole part of the village one night; they visited every house, and took something or other out of every shed or outhouse they could get into. At four o'clock in the afternoon the next day, about dusk, one of the policemen stopped a

repeatedly employed the Beckenham labourers, but found them such thieves he was obliged to discontinue having them; but they were so much improved now, he begged I would put down his name as an annual subscriber of ten guineas to our police fund; and said he only wished I would do the same for them at Bromley, he thought it was quite as much wanted; indeed, he understood I had sent all our bad characters to them.

§ 187. From that portion of your experience would you say what is your opinion as to the necessity of changing the men from time to time? —Everything depends upon changing the men. You could do no good without it. I consider the men ought to be changed once a year. As to having a policeman remaining there year after year, they must get corrupted in time; they get too intimately acquainted with the inhabitants. Nothing can be so advisable as changing the men. In consequence of my adopting the police, other villages have done the same, and got their men from the Metropolitan Commissioners, Penge, Hayes, Bromley, Blackheath, and Lewisham. Doctor Hussey, the rector of Hayes, came over to me as soon as he heard that I had got the police, and said that I had driven all the rogues of Beckenham to Bromley and Hayes, and complained that they could not keep any poultry— that they had had twenty head stolen in one night. He applied for one man, who was of incomparable advantage to them; and so superior a man was he, and they placed so much confidence in him, that they let him do just as he liked. They did not control him as to the particular hours he should go on duty. He kept the parish in order, free from thieves, rogues, and vagabonds, and laid informations, for indeed it was necessary.

You have in point of fact carried out the principle of changing the men from time to time in order to avoid connexion?—Yes.

§ 188. Your Lordship has said that you think it essential to a police, from your experience of a rural police, that it should be changed from time to time. Do you think it essential that they should come from a trained force?—Certainly. To go into those rural parishes, where there is no one to instruct them, would be almost useless. I very much doubt whether the police would have succeeded at Beckenham, but for my experience, and the support I gave them. I practically superintended it. I have been out with them the whole night. I have gone out at ten and been out till five in the morning, to watch suspected characters.

§ 189. Has your Lordship seen any difference in the way of bringing forward cases, as a magistrate, or have you derived any advantage from the new policemen's comparative knowledge of what was evidence, and as to the preparing of the case, as compared with that of the old parish constables?—I have received the greatest advantage. If anything was lost or stolen, the new police knew how to go about the business to obtain evidence, and find the property stolen; whereas, if left to the parish constable, he would never attempt it. If any man was brought to him and put into his hands, he would take him to the cage— that is all he would do. The new police found out an illicit still in the parish of Beckenham, and they went to work there very ably indeed. They found they had broken through the wall of one house to get into the kitchen of another; they covered the windows up with oiled

paper, and there they were carrying on their work of distillation quite unknown. In a village like Beckenham, there was no chance of such a thing being found out but by the new police being so clever, understanding their duty, and having their senses about them. The parish constable likes to be at home with his family: he does not think it his duty to go and look after crime, to repress or prevent it. If any party comes and brings him an offender he will take him, but not otherwise: he asks who is to pay him.

§ 190. The advantages of a trained force for the protection of agricultural property is not, however, confined to the instances of trained men acting under such zealous superintendence as that described in the evidence last cited, but is shown in the action of the metropolitan police force itself in the rural parishes within their district. These advantages are described in the evidence of Mr. Bishop, the superintendent of the Bristol police, who had previously been a superintendent of the V, or Wandsworth division of the metropolitan police, which contains the parishes of Wandsworth, Chelsea, part of Lambeth, Tooting, and Fulham.

Does not that division include some agricultural population?—Yes; it is principally agricultural—market gardening—at Wandsworth, Tooting, and Barnes.

Can you state from your experience with relation to the protection of the property of an agricultural population, what would be the effect of the introduction of the same sort of force into other districts more completely rural?—I think it would be great protection to the farmers in the prevention of robberies with regard to the garden and field robberies, and so on, and likewise horse-stealing; we have a great number of horse-stealers round about this neighbourhood. And it would also prevent a great many highway robberies, which are frequent now.

Have you any means of knowing what was the state of that neighbourhood previous to the introduction of your force—that is, the rural parts of your division in London?—There were a great number of highway robberies previous to the commencement of the police there; many depredations were committed in breaking down fences, and garden robberies; in particular with regard to water-cresses. One place, at Clapham, I have heard several farmers, during the time I was at Wandsworth, say, that previous to the establishment of the police they could not keep anything in their gardens; but since, some have lost nothing, and others very trifling. Mr. Biggs, of Barnes, a large market-gardener, used to be continually losing, and we detected a great many upon his premises; but he was always rather backward in prosecuting. I have frequently heard him say, that if the police were three times the expense he would not mind it, the protection was so great. I can refer to a gentleman, Dr. Paley, residing there, who was very much opposed to the police in the first instance, and previous to my leaving he was convinced of its utility, and he expressed to me his opinion and conviction of its efficiency. Mr. Ratcliff, at Barnes, a farmer and corn-dealer, was the same as Dr. Paley. I mention Barnes, because it was the first place that petitioned the Secretary of State to have the police removed, and they were afterwards very well satisfied. We had several cases where

we stopped market carts at night. They used to be coming at all hours of the night, and it was the instructions I gave to the men to judge according to circumstances. In several cases we have detected robberies in that way, where the servants have been conniving; we have stopped them sometimes only upon suspicion, and we have found goods stolen in the carts. The market-gardeners have often sent word to the station-house of having been robbed, and they did not know how it happened, and we have put a watch for the carts, and detected the servants in many instances.

So that in point of fact, to the farmers you were not only a protection to their stock when straying, and against crime by migratory thieves, but you also prevented crime by their own servants?—Yes.

Have you reason to believe that that was carried on to a systematic extent?—Yes.

Within your present jurisdiction have you any agricultural property at all?—Yes; about the outskirts of the borough.

Can you adduce any similar evidence as to the operation of a properly appointed constabulary in preventing the robbery of the farmer's stock and crops in or near Bristol, as compared with that in the vicinity of London?—Yes; I have had several cases in Bristol where I have stopped parties in the same way by stopping carts, and on examination found property, the produce of robberies committed in the rural districts. Most of the robberies that we have detected in Bristol have been committed in the rural districts. There is one thing with regard to that; we are obliged to be more cautious in stopping persons, because if the police are not right, the parties are so apt to turn round upon us; we have not the same protection as in London, so that we do not search so strictly as we could wish: on that account the men are timid, and afraid of doing what is called wrong. But where they have done so they have succeeded in most instances.

From your experience in both places would it be correct to state that for the purpose of preventing crime in the rural districts completely, great vigilance would be requisite in the towns?—Yes; and co-operation between town and country; for unless there is that, no force would ever be efficient, because one officer would be throwing obstacles in the other's way.

The general effect of this evidence is corroborated by the fact that nearly every parish adjoining to the Metropolitan Police district has made application to be admitted within it.

§ 191. The Honourable and Rev. William Wodehouse, who is an acting magistrate of the hundred of Forehoe, in Norfolk, has furnished to us the following account of the introduction of a paid constabulary force into two of the parishes of that hundred. He states—

The hundred of Forehoe consists of 23 parishes; the entire population is about 14,000. Wymondham and Ilingham, which are the two most populous places, are the only parishes in which a police has been established. Wymondham, the population of which is partly manufacturing and partly agricultural, has upwards of 6,000 inhabitants. In the autumn of 1833 the lower orders of this town were in a most unsatisfactory state. They were disorderly and turbulent in the day-time, and

thieves and plunderers by night. The acting overseer, and most active, intelligent, and resolute man, considered his life to be in danger. It was no uncommon occurrence for the more respectable classes to be insulted in the streets, and even when going and returning from Divine service on Sundays. In this state of things the parishioners met and adopted the provisions of the Watching and Lighting Act. Three policemen were sent down from the Metropolitan office, who, in the course of a few months, by their steadiness, firmness, temper, and discretion, succeeded in changing the whole character of the place, and no parish similarly circumstanced can have been more orderly and better regulated than it has remained ever since.

The population of Ilingham somewhat exceeds 1500, and is entirely agricultural. There never has been any deep distress, or want of work. The poor were never in the same disorganised state as at Wymondham: A gang of persons, however, had sprung up, who scarcely ever applied for any work, but (in conjunction with other loose characters in the contiguous parishes) lived entirely by plunder. In the autumn of 1834 we agreed to adopt the provisions of the Watching and Lighting Act, and procured one intelligent and resolute policeman from London, who had the liberty of selecting, at a stated sum per night, any two assistants resident in the parish as often as he required their aid. In the course of a few weeks depredations entirely ceased—property of all kinds became perfectly secure, and so it has continued to this hour. During the last two, I may say almost three years, there has been but one robbery, which took place last October, and the delinquents were in custody within two hours after the commission of it, having in that short space of time been apprehended with the stolen property in their possession at a beer-house in the adjoining hundred.

He states that inspectors have virtually superintended the policemen, and that their efficiency is not any degree impaired by local connexions.

They appear to me always to avoid familiar intercourse with the lower classes, and their general behaviour has invariably secured to them the respect and approbation of the higher orders.

They are extremely useful attendants at the petty sessions which are held at both these parishes alternately. And their service of process, and their mode of bringing forward cases, form a striking contrast to the blunders of the parish constable.

Among the advantages we derive from an established rural police, I must not forget to mention the entire suppression of vagrancy. The sturdy mendicants, some dressed as sailors, others in a disgusting state of nudity, who formerly infested this neighbourhood, have long disappeared, greatly to the comfort of the inhabitants, as many of the farmers' and labourers' wives, living in sequestered situations, have, in the absence of their husbands, been obliged for safety to give these persons food or money, and I am perfectly convinced that in many instances such compulsory donations have with persons of a timid disposition annually amounted to a sum equal to their present police rate.

In the suppression of poaching, which leads man, step by step, to almost every other crime, the policemen in these two parishes have also been most useful. The great landowner and game preserver in this hun-

dred will, I am certain, bear ample testimony to the efficient assistance which they afford him in the protection of his game, and consequently, in this respect also, their influence in the diminution and prevention of crime is most evident.

In conclusion, I beg to say that I feel perfectly convinced of the expediency, or rather the necessity, of extending this force to the country at large; more especially as those parishes which have no police are at present doubly sufferers; inasmuch as thieves are naturally forced out of the places which enjoy this protection into those which are unprotected, and which thus are exposed to a proportional increase of depredations.

A return thus alludes to the success of the experiment above stated by Mr. Wodehouse, from the parish of Heathersett, near Henstead:—

We avail ourselves of this opportunity to state how well the introduction of a vigilant police has operated in the adjoining parish of Wymondham, and the benefit which we of this parish fancy we derive from it. Wymondham contains more than 10,000 acres of land, and has a population of 7,000 inhabitants. Before the introduction of a police, brought down from London about three, or perhaps four, years ago, not only was the town itself exposed to constant disturbance and depredation, but farmers in the neighbouring villages were often robbed of their poultry, sheep, and other farm produce, which could easily then be carried without observation into the town at night, and be disposed of in various ways. There is not a better regulated town anywhere now than this parish of Wymondham. The vigilance of the police makes the introduction of stolen property into the town so difficult and so hazardous, that thieving is nothing like so good a trade as it used to be; and yet there are but three police officers, who keep this large population in order, and scour a tract of 10,000 acres of land, terrifying the thieves out of their occupation. The impression produced on their minds by the certainty that the police officers are always on the watch, looking out for them, and never to be guarded against, has had this salutary effect.

§ 192. The Rev. J. Barton, the rector of Blofield, in Norfolk, and acting magistrate, has given to us the following account of the introduction of a trained force into that Union.

Of the inefficiency of the old constabulary force, if force it could be called, the majority of the principal owners and occupiers of this Union had long been convinced. Nearly three years ago an active officer who had been trained in the Metropolitan Police, and had subsequently acted for four years as general constable for a neighbouring Union, in which he did not consider his pay adequate to his necessary expenditure, was applied to by some of our leading guardians to come into this district, and for two years was paid by private subscription, and during which time he proved himself to be so useful in the prevention and detection of different offences, that in the beginning of the past year 30 out of the 32 parishes of our Union agreed to adopt the provisions of the 90th of the 3d and 4th of William IV., the larger parishes going through the regular forms prescribed thereby, and the smaller ones guaranteeing an annual payment in proportion to the assessment upon the annual value

of their parishes as compared with others. Two alone stood out, in one of which a principal proprietor objected to paying the treble rate for his house; and in the other, namely, Thorpe, part of which is a hamlet of Norwich, the principal inhabitants were outvoted by the publicans and little tradesmen, and some other inhabitants of a low description, with whose pursuits it is probable that an independent officer might unpleasantly interfere.

The force which we have employed consists of the above-mentioned officer as superintendent, and three active men placed, when it was considered most convenient, under him.

As to the former state of the district, I cannot recollect a year in which, and during the winter months especially, there was not an abundance of petty thefts, and more especially in poultry just before Christmas, when most of the little dealers who prepared them for market had their yards stripped, with very rarely any detection of the offenders. The thieves were frequently, and, as I have reason to believe, very justly, suspected, but no sufficient clue could be found, nor were any steps effectually taken to bring them to conviction.

Up to the present time, during the present winter I have not heard of any robbery of the above description, nor a complaint of one in any of the above-named 30 parishes since their adoption of the Act of William IV. In one of them, which did not join us till Michaelmas, three sheep were lost in the month or two previous, but nothing since. In another, about five miles from Norwich, three of the most notorious poachers and thieves of that city, who had been between them, I think, upwards of 20 times in prison on summary convictions or for trial at sessions, stole in the latter end of August 50 ducks from one farmer; they were traced by the intelligence of our superintendent, and prosecuted to conviction, and sentenced to seven years' transportation. This parish had but lately joined us, and one of the three men let out that they did not know that it had joined. In Thorpe, since their refusal to join, there have been five cases of sheep stealing,—nine sheep stolen; two instances of housebreaking,—Colonel Harvey's larder, as I understand, opened and stripped three times; and not one detection.

None of our men had any previous local connexion with us. To our superintendent's zeal and activity we owe much; but all our men came with good characters, and have maintained them. Under the old system the constables were for the most part little tradesmen, who, in a great majority of instances, were afraid of interfering, lest they should offend a customer; and who were generally too much occupied about their own business, to be able to give up their time to trace out offenders, so as to bring them to justice. During 30 years' constant residence I hardly recollect more than one in all the district who has shown any particular fitness or cleverness for the office, as far as the detection of crime is concerned. As to prevention, which we now seem in a great measure to have attained, it has heretofore been almost out of the question.

In respect of attendance at petty sessions, the old constables were less deficient than in other parts of their office; but I should say, and I believe all my brother magistrates will agree with me, there have been fewer failures in the service of process, and far fewer mistakes in bring-

ing forward cases, and the witnesses necessary to support them, than under the old system.

There is another benefit which we have derived from our present system, and that is the great diminution of vagrancy cases. Living on the high road from Norwich to Yarmouth, I used, in common with my neighbours, to be continually pestered by beggars and trampers. It was, I believe, the same in parishes lying at a distance from the high road. We now seldom see one of the above description of persons.

§ 193. The Rev. Robert Wilson, the rector of the parishes of Ashwellthorpe, in Norfolk, who is a magistrate of that county, has described to us a state of crime in those parishes similar to that which prevailed in each of the latter instances. It was abated in a distinguished manner by the exertions of two paid constables, the one of whom had been a serjeant in the Metropolitan Police. Mr. Wilson states—

Our public-houses and beershops are manifestly better managed, I may say immediately. It was the duty of those two men to watch the two parishes at night and at uncertain hours, so that no men were sure whether they should be seen or not. I desired them to report to me every morning anything they saw going on, and that man frequently did. In fact, he used to tell me what people were out at night. If they met people carrying anything, they always challenged them, and made inquiries afterwards to know if they had come honestly by what they had with them.

§ 194. Mr. J. H. Newnham, a gentleman residing at Uckfield, in Sussex, in the course of an account of the partial success of some attempts to obtain the services of a paid constabulary under the Watching and Lighting Act, gives the following account of the effect of the superintendence of a paid officer on the proceedings of the beer-shop keepers:—

The most effectual regulations appear to have been adopted in Buxted, and after the first struggle of opposition among the frequenters of beer-shops was over, it now seems to meet with the concurrence of the beer-shop keepers themselves. As it had hitherto been the duty of no person, or rather, I should say, the *business* of no person, to see the beer-houses were closed at the appointed hour, the regulations of the magistrates were entirely nugatory, as no evidence was ever brought forward unless such as might be incidentally elucidated in cases of assault originating in the drunken and disorderly society frequenting them, and which afterwards came under the cognizance of the magistrates. If one beer-shop keeper, therefore, would not keep open his house another would, and thus a contest for the supremacy in disorder and dissolute conduct was established which has led to those excesses and demoralization so much deplored. The keeper of a beer-shop was subject to be called upon at all hours to serve his customers, but on the establishment of a rigid inspection he had a good excuse for non-compliance; and if another of his fraternity yielded to the demand, a secret intimation to the patrol was sure to be followed by a conviction, and every attempt to renew the irregularity was so crushed at the outset. It is thus evident that no person of good character, and desi-

rous to have a well-conducted house, can compete with the superior temptation which an uncontrolled system will allow unprincipled people to introduce; the consumption of smuggled spirits, dancing at all hours in the night, cards, poaching, and prostitution are therefore sure to meet with encouragement, and increase of crime is, and can be, the only natural result.

§ 195. We were presented with two other instances of the successful repression of crime in the neighbourhood of the district comprehended by the Barnet Association.

Edward Lewis, Esq., Bayford, Herts.—Your parish is the parish of Bayford. You are one of the guardians of the parish?—Yes.

What has been the state of your parish in respect of crimes or disorders against the peace?—Nothing could be worse; not in respect of serious crimes, but in respect of petty depredations.

What sort of petty depredations?—Farmers were constantly missing trifling things from their farms, without knowing how they went. There was also much poaching.

Was this amount so great as to induce them to take any steps for its repression?—It was so great as to induce them to take very great steps for it; namely, to subscribe two shillings a-week towards the support of a paid policeman.

Did they form any association for the prevention of crime?—No; they formed no association. They merely applied to the Commissioners of Police in London for the assistance of one of their men, and a man was sent down.

Have the losses which heretofore occurred ceased?—Not entirely ceased, but they have very much decreased.

Have they so far ceased as to satisfy the farmers to continue the subscription?—Certainly; the farmers are anxious to continue their subscription.

Did you find your policeman of any use for other purposes besides that of preventing depredation?—Yes, he was of great use in informing the farmers of any stock being in their corn, or of gates being left open or out of order. These things, though trifling, were important to know.

§ 196. Another gentleman of the same county stated to us an instance of the failure of a private watch contrasted with the success of a trained officer.

Richard Hall, Esq., Totteridge, Herts.—How long have you resided in Hertfordshire?—I have resided in Totteridge for 21 years; during which time a vast number of depredations have been committed on property of every description. About 16 years ago the principal inhabitants of the village subscribed to establish and maintain a police force. Three men were engaged, of whom two were to patrol the village every night. They went on duty at 10 o'clock, and off at 6 in the morning.

How were their beats arranged?—The houses are chiefly situated on each side of, and near, a road, about a mile and a half long; this was divided into two beats. A few houses lie on a small common, diverging a few hundred yards from the road, but as no subscribers lived there, the men were ordered not to watch that part of the village.

One of the men has said to me that a robbery committed there was "*no concern of theirs.*"

Were the arrangements made in any respects on the plan of the old watch?—The men were ordered to call every hour and half hour; and were also required to enter the grounds, and walk round the premises of several of the principal subscribers.

To what extent did the plan succeed?—The scheme was, I consider, an entire failure, though it was persevered in for about 12 years. Depredations were just as frequent during that time as before. I never heard but of one case of conviction during the whole period. We had lost fruit, poultry, sheep, and all kinds of small articles, repeatedly; a cottager living within the grounds had lost bees; our grape houses and dairy had been broken into, the vines mutilated, (the fruit being unripe) and the cream stolen, and all this within half a quarter of a mile of the beat of one of the patrols.

What do you ascribe as the main causes of failure?—I consider that the thing failed chiefly because the men, under an idea that it would supply the want of superintendence, were required to call the hours, and thus give notice to thieves of their precise situation at any time, and because they were only on duty throughout the night, leaving to persons premeditating any depredation the whole day wherein they might examine the locality of the premises they meant to plunder, and acquire all necessary information without exciting suspicion or challenging observation.

Are you aware of any similar experiments to that made at Totteridge?—I am interested in another Hertfordshire parish, Codicote, near Welwyn, a considerable portion of which belongs to me. A regular gang of marauders was established there for some years; the ordinary village police was utterly useless against them; they had become the terror, not only of the parish of Codicote, but of all the surrounding country. By the active exertions of Francis Sapte, Esq., a subscription was collected last spring, and a London policeman procured to reside in the village. The results have been most satisfactory; the gang is completely broken up; and though so short a time has elapsed since we commenced operations against them, no less than seven have been transported for various terms of years.

How have the smaller rate-payers aided the experiment made in this instance?—I am informed that the farmers, who at first hinted that the policeman was only a game preserver, are now convinced of his utility in the protection of property in general, and gladly contribute to keep him in the parish.

§ 197. In nearly two hundred places officers of the Metropolitan Police have been engaged, for the most part with marked success. The Superintendent of the New Police at Bristol, the Commissioner of Police at Liverpool, the Deputy Constable at Manchester, the Superintendent of the Police at Hull, have been taken from the Metropolitan Police, where they had served as superintendents. In a large proportion of the new boroughs a paid police has been established as nearly as possible on the same system, carried into practical operation by men trained in the same force. The answers from these

boroughs mostly speak in high terms of the success of the new paid police. Thus it is stated from the borough of Hull—

Not a single burglary has been committed in the borough since the establishment of the new police. Obedience to the laws is now enforced in all matters already confided to their jurisdiction. There are no street robberies; serious crimes have greatly diminished; violent and brutal assaults, especially on females, had been of frequent occurrence, but none have taken place since the formation of the force. Independent of a great decrease in crime, a great improvement in the general good order of the town is freely admitted even by those inhabitants who were originally much opposed to the introduction of the present system.

From the borough of Maidstone—

Previously to the establishment of the constabulary, burglaries, and other crimes of a serious nature, frequently took place; five burglaries occurred in the course of a week; great alarm ensued, and a feeling of insecurity generally prevailed. The alarm has now subsided, confidence is restored, and offences of a serious complexion are of rare occurrence; crime is rendered difficult of perpetration, and, if committed, is almost sure of detection, and consequently of punishment.

A great change for the better has taken place in the streets; prostitutes, and other disorderly and bad characters, are deterred from pursuing their former annoying and disgusting conduct. The public-houses and beer-shops are placed under vigilant inspection, and the result is that the peace and good order and government of the town is greatly improved. The manifest advantage arising from the employment of the force appears completely to reconcile the inhabitants to the expense of maintaining it.

From the borough of Arundel—

No pilferings, robbing of orchards or gardens, or stealing of poultry (with one exception), have taken place within the borough since the establishment of the police. The population are generally more orderly, the streets more quiet, and the beer-houses closed more punctually.

From the borough of Leicester—

A decided improvement in the public streets in regard to order and decency, and a diminution of all kinds of offences in the borough, particularly burglary. There have been many burglaries in the neighbouring villages during the winter, but none in Leicester; they were frequent in the borough two years ago. The police establishment has given great satisfaction.

In Fifeshire a preventive police has been established, with almost the sole object of looking after vagrants. It appears to have worked well, and to have been productive of great advantages. Mr. Hill, the prison inspector, states:—

The Law Commissioners were so much struck with the paucity of crime in Fifeshire, that they applied to the sheriff for information on the subject, and this led to an application to the sheriff-substitute of the eastern division (Mr. Jameson), for an account of the preventive police

which had been organised under his direction. This police was established at the time of the cholera, and, in the first instance, extended to the Cupar district only. Its object was to rid the place of vagrants, in order to prevent the introduction of the cholera, and it worked so efficiently that between 300 and 400 vagrants were either removed or prevented from entering in the course of one month. The inhabitants of the other parts of the country, desirous of partaking in the advantages of these arrangements, applied to Mr. Jameson for his assistance, and, at their request, he organised a preventive police for the whole county; and this has continued in operation ever since. There are, in all, about 20 men, including the superintendent, and the total cost is rather more than 600*l.* a-year, which sum is paid out of the county-rate. Mr. Jameson considers the present force insufficient for the full development of his plan, but it has been calculated that even on its present footing the police effects a saving to the country of as much as 10,000*l.* a-year, estimating the cost of each vagrant, in his alternate capacity of a beggar and a thief, at 1*s.* a-day only. In confirmation of the general belief, that much of the crime that is committed is by vagrants, it may be stated that with every diminution of the number of vagrants in Fifeshire, there has been a reduction in the amount of crime. Whatever benefits may have accrued from the adoption of an organised police in a single county, it may reasonably be anticipated that still greater benefits would be derived from a general organization, extending through the whole country, and directed not only to the suppression of vagrancy, but to the detection and prevention of crime.

§ 198. Viewing the immense sums of money spent in punishment; viewing the corrupting effects of imprisonment in number, of which the Legislature is not even yet fully aware; viewing the defects of what are termed secondary punishments, which we have found it necessary to examine in reference to the operations of organised constabulary, we could but attach much importance to any evidence we might obtain with reference to the possible reformation of the characters of delinquents by the influence of the operations of such a force. We have sought in vain for instances of the reformation of offenders by punishments which do not outweigh the profit of a train of offences, or for reformation by the inculcation of precepts, or by compunctious visitings, so long as the temptation of a successful or profitable career of depredation was allowed, by the neglect of proper preventive measures, to remain open to them. In the absence of such measures the business of reformation has been frequently abandoned in despair, and it is an aphorism currently received amongst many of the officers engaged in the administration of the law, "Once a thief, always a thief." We believe, however, that the aphorism is true only under the existing neglects of this branch of administration: we find that in the metropolis, the preventive measures have so far diminished the chances of impunity in particular lines of depredation as to incline the balance of profit in favour of honest

industry. This result is shown in the fact of persons who had no visible means of obtaining an honest livelihood, and who were seen by the officers in courses of delinquency, or frequently detected in the commission of offences, but who now see these former offenders engaged in honest and productive occupations. One example was presented to us in the confession of a notorious burglar who now keeps a public-house, and who avows, as the cause of the change, that housebreaking is no longer profitable. He accounts for eight of his gang, or former connexions in the same career: they were all brought up as mechanics; one as a carpenter, another as a locksmith, &c., who, having been tempted from their occupations by the profits of housebreaking, have of late returned to their several trades, where they are now engaged, and receive good wages as the produce of productive industry. Another notorious burglar, who was frequently brought before the courts of justice, is now the driver of a cabriolet; and a sufficient number of similar instances are presented to afford satisfactory promise, even from imperfect trial, of more extensive and beneficial results of the operations of a uniform and comprehensive system of prevention. The trials of a paid force in the rural districts have been distinguished by equally promising examples of successful reformation. Mr. Lewis, of Bayford, in Hertfordshire, was asked, with respect to the exertions of one trained officer,—

What was the effect of his presence or exertions?—The effect was, that there was much more order in our village (for there is only one public-house in the parish), and that many young men who had been living in idleness have, by their means, sought employment, and obtained it, out of the parish. Some have returned to the parish, but finding that they cannot live as they used to do, they have returned to their work.

Do you speak with certainty, and from the knowledge of particular individuals?—Yes; I can name the individuals.

The Rev. George Hall, the Vicar of Tenbury, relates:

I, and others, I think I may say the most intelligent and respectable parishioners, attempted to avail ourselves of the Act of 3rd and 4th of Wm. 4th, ch. 90, and couple watching with lighting; but we were outvoted at the meeting, and could not carry watching.

This being the case, the respectable part of the parishioners of Tenbury, and two or three other adjoining parishes, united with us in a voluntary subscription for the support of police constables or watchmen, which we have now engaged on duty; and the result we find is working very beneficially in this manner. The idle and the dissolute, who had no visible means of gaining a maintenance, who did not gain one by honest industry, but who lived entirely by plunder and poaching; these now finding, since the establishment of our police constables and watchmen, that they cannot safely carry on their depredations, are betaking themselves to work, rather than to hunger or to be sent to gaol: such we find is becoming the result, which is a natural one.

The Lord Mayor of London, in the course of his evidence, furnishes a similar illustration:

The Metropolitan Police Commissioners sent me down two capital men, and immediately that they came there were five men that I knew well in the village who were out all night and at home sleeping by day. They were all five of them seen in my farm-yard one moonlight night by a person living opposite, who saw them trying a barn door where my carpenter, whom I have always in my employment, kept his tools worth 20 or 30 guineas. She showed a lighted candle at the window, and then they made their escape, and from that time they were not seen in the village again for a long time. They went to Bromley. We knew that two of them were concerned in stealing those images, one was called Hall King. We supposed him to have been transported, but at the end of 12 months he made his appearance again, but that was to get work, and those five men have all now got into work. At that time no person would employ them, their characters were so notoriously bad. It took them two years by degrees to get into the confidence of the inhabitants.

And now it is so far different that they sleep by night and work by day?—Now they do. Before they lived upon the public, now their trade is broken up by the police being there. I have employed one since that. Indeed I have made a point of employing some of the very worst characters in the village to show that I bear them no ill-will. I have made some of these men useful members of society.

However, the experience of these men that you have mentioned, the five individuals, as having been reformed solely from the operations of the police in the district rendering the commission of offence more hazardous and therefore more unprofitable, would you say from that experience that a police would be applicable for other districts?—Yes; I have no doubt of it at all. It would destroy that trade, and show them that they would get transported or lose their liberty. That was the case with those five men; they all turned to getting honest livelihoods. My son could tell the names of the men, and the parties that they are at work for. One man is now a fly-driver, and really become a respectable character.

It has been stated to us that similar effects have been strongly marked by the operations of the trained force at Stow-on-the Wold. But these effects, it will be seen from evidence we shall next adduce, are confined chiefly to the resident or settled delinquents: the effects of any partial operations (and such only have as yet been tried) on the migratory classes of habitual depredators being simply to shift the evil by driving them into other districts. The preventive operations of a police with respect to such classes in towns will form the subject for separate consideration.

From these as well as other instances which we might adduce from all parts of the country where a well trained and efficiently conducted agency has been tried, we find,

That all habitual depredation within the district has been prevented.

That mendicity has been extensively abated.

That the disorders in beer-shops and ill-regulated public-houses, and other sources of temptation and causes of domestic distress and immorality, have been repressed.

And that Your Majesty's peace, the efficiency of the laws, and the authority of the magistrates have been restored or increased as regards riotous or individual infractions, and a state of order produced, such as to leave but little immediate anxiety in the minds of the peaceable and well-disposed of the population for further amendment.

§ 199. It might be inferred from these facts, that all that would be wanted in the way of remedy for the disorders which pervade the kingdom would be to give legislative sanction to the introduction of a trained force into such localities as shall apply for it, to give powers for the levy of a rate for the purpose, and to sustain the numbers of the force. We entertain no doubt that much good would be effected by such a course; but it is, we think, established by other facts, that the success of these separate experiments cannot be received as evidence that equally beneficial results are obtainable from such separate or disconnected operations of a constabulary, without combined management and the aid of more extensive measures. We have already shown that a very large proportion of the crimes committed in rural and provincial districts are committed by depredators who are migrant, or loosely connected with the particular neighbourhoods which they infest. In rural districts, the better means of knowing the habits of particular individuals, gives greater facilities for the operation of preventive measures against resident delinquents than are obtainable against the residents in crowded towns. The migrant or unattached delinquents, who have, for the most part, the choice of wide districts, entirely unprotected by such an agency, of course prefer the unprotected districts. All the witnesses who have given evidence on the successful employment of a trained and paid agency have at the same time testified that the diminution of crime within their own protected districts has been followed by an increase of crime in their immediate vicinity. This operation of the new police in towns is the subject of extensive complaints of the following tenor. The magistrates acting for the division of Lower Wormelow, in the county of Hereford, state in their return—

The active interference of the new police in towns has had the effect of disturbing hordes of criminals, and in some measure restraining their depredations; but without the system of vigilance is pursued, the mischief will only be transferred from town to country. The criminal laws of England are sufficient for half a dozen planets; but they want enforcing. No person can inform against a breach of the laws under the penalty of being maltreated; and unless information is given, the magistrates seldom have power, and very little inclination, to act on their own view. In this district, through which the high road to Ire-

land, the road from Bristol to Liverpool, lies, the country is infested by gangs of vagrants, who forge and produce passports, signed and sealed as if by magistrates. Farmers and cottagers, who do not know that such passes are illegal, relieve the parties, and those who do know are intimidated by their numbers. An active body of moveable police would soon intercept and diminish their numbers, and a short confinement in solitude would spoil their trade, when every Union through which they pass might be enabled to treat them in the same manner.

The answer from Staplegate, in Kent, states—

The want of a night patrol enables the inhabitants of towns to commit many offences in the adjoining rural parishes, such as stealing wood, sheep, turnips, and greens; also poaching is carried on to a great extent. These persons generally dispose of the articles in the large towns.

A magistrate, acting in the Bibury division of Gloucester, states—

The constant depredations, such as sheep-stealing, horse-stealing, fowl-stealing, poaching, and even highway robbery, calls loudly on the Legislature for interference. Wherever a policeman has been appointed, in those parishes over which he watches depredations have decreased; and in the same ratio have they increased just beyond his beat, which proves to me the necessity of some such force, which might be effected without any very ruinous expense to the different parishes.

The guardian of Besthorpe, in Norfolk, states—

I know of no means more desirable to effect actual security than a police force; it has proved almost an annihilation of crime where it has been tried. I find it causes the idle to flee from those parishes closely watched to those parishes not provided with sufficient night protection.

§ 200. The fact of the transference of a large share of the evil to the unprotected districts is fully acknowledged in several of the answers from the borough towns. Thus it is stated in the answer from the borough of Rye—

We see and experience the greatest evils and inconveniences; often sheep-stealing and robbery are nightly committed just round our jurisdiction; and we cannot assist, for want of information and assistance, until it is too late. Our depredators get into the neighbouring parishes, and we can get no information or communication for want of paid constables.

One answer given from the borough of Kingston-upon-Hull states that they want no additional protection in that borough,—

Because the evils which formerly existed have been removed. Complaints are frequently made from the neighbouring towns and villages, that since the thieves have been driven out of Hull the neighbouring country has become infested with them. As there is no paid police within any part of the whole of the East Riding of Yorkshire, constables have been often dispatched from Hull at the request of the inhabitants and magistrates to different parts of the country to assist in detecting criminals, and bringing them to justice.

The following is a portion of the examination of Mr. M'Manus, the superintendent of the police of that borough:—

We perceive by your returns to us that there are still many bad characters who infest the town itself?—They go out and return, they do nothing in the town; that is what the farmers are so much annoyed at.

It is stated that there are 2 burglars, 8 housebreakers, 37 pickpockets, and 43 common thieves living in Hull?—Yes.

Do they go out of the town?—Every morning, and come in again at night, or perhaps they will go out one morning, and not come in again for three nights. The men meet them going out. The farmers know them too. They are always afraid every night some burglary will be committed, or some robbery by our Hull thieves, merely because we will not let them do anything in Hull, they say.

This police of 93 men having to watch a population of 60,000, that is, one man to about 800, you must of course still be liable to attacks and disorders within the town?—They can rob in the country with less difficulty than they can in town, so that they take the country as their choice.

Still being supported by plunder in the country, and harbouring in Hull, they increase your danger in Hull?—Yes, of course they do.

They do occasion a certain amount of depredation which you have no means of preventing?—Yes.

So that the defenceless state of the rural districts is an inconvenience, and an increased risk to you in the town?—Yes, and I may add, that I have a great deal of trouble with persons coming to Hull after thieves who commit robberies in the rural districts, stealing fowls and sheep, and other things; and that it sometimes takes three men away from me, at the expense of the town, merely to assist country farmers coming in after thieves.

Depredation has increased in the country?—Undoubtedly it has.

In reply to a question whether the thieves live riotously in beer-houses, he answers—

No, they are quiet and regular, always regular from the time they come in till they go again. We hardly ever have a thief locked up for drunkenness, as if they were afraid of getting drunk for fear of being taken into custody. They are rich in their living. They go to their butchers and tradesmen the same as persons in decent circumstances would, and order a joint of meat. They are regular in going out. As soon as the money is spent they go into the country, perhaps five in a gang going off together.

* * * * *

You are of opinion, then, that if there were a rural police in the country adjacent to you, you could do with somewhat less men in the town?—I could, decidedly, if the force was all amalgamated.

And the country could do with less men, by means of a combination, than it could do separately?—Yes, much less. The number at first, perhaps, would be greater than would be wanted in a year and a half, or two years' time. It only requires a little energy to put down a few gangs, and then a few active men would do the rural parts, and merely having a regular line drawn from one place to another, a

few men to patrol these lines at night, and the heads to be on the alert.

You would extend your patrol a great deal—you would have a proportion of horse?—On the main coach roads I should like to have a communication with horses; one man to have four or five miles to go every night and another to meet him, so that if a thief rode by in his horse and gig, those men would be after him; and it would also prevent a great deal of poaching.

§ 201. From the towns themselves we have received evidence that under separate and uncombined management it is probable that the efficiency of the present force will retrograde, and that the administration of the law cannot advance or crime be diminished to the attainable extent without combined action upon a more extended system.

§ 202. The first change was effected, generally, under strong implied pledges of amendment, and the desire to effect a contrast operated as a motive to make efficient appointments. The change having been effected, we do not find that the same motives continue in force, or that applications for trained persons, unconnected with the towns, are now made in the same proportion as at first, on the occurrence of vacancies from death or removal. The constitutional principle of unity in the executive is generally applicable to minor and detailed administration. It is already found that the management of such a force by an annually changing committee of uninformed persons is ineffective, and subject to all the vices displayed in the management of the watch or police by the committees of the parishes in the metropolis (with strong party spirit frequently superadded), before the abrogation of their functions by the legislature, and the appointment of the Metropolitan Police. Where the new municipal police has been tolerably well organized, and has continued in a state of efficiency, we have found that those circumstances have arisen from the principle of management by a numerous body of uninformed and virtually irresponsible persons having been, in fact, abandoned, and the management confided to the chief officer, or, in one or two instances, to some one individual of the committee, whose zeal had enabled him to obtain more than usual information, and to exert himself actively. It has been assigned to us in evidence, as a reason for the comparative inefficiency of several of the new police of the corporate towns, that the appointments had not been made with exclusive reference to the possession of the fitting qualifications, and that as changes took place, or new appointments were made, they were too much governed by local interests, or party favouritism. In cases where we found that the appointments were, in reality, free from any such taint, we nevertheless found that, being from an opposite party spirit suspected and distrusted, the evil became almost as great,

through proper co-operation being withheld by a large and important part of the community.

§ 203. We shall, in another place, advert to the recommendation arising out of such circumstances, and which has been urgently made to us, that to abate such evils all paid officers engaged in the preservation of the public peace should be disfranchised. The practicability of elevating a large force above such influences is, we think, shown in the fact of the thanks of electioneering committees of all the opposing parties having been given to the metropolitan police for their conduct on the occasion of the elections for the boroughs in the metropolis.

§ 204. Several competent chief officers, whilst acknowledging the comparative inefficiency of the corporate police, or its deterioration, have assigned, amongst other reasons, the want of a proper control over the men so appointed. When fault was found with the mode in which any individual constable performed his duty, it was common to receive as an answer, "I don't care; I have friends on the Watch Committee who will take care of me." Although the complaint of the superior officer might prevail, it was a considerable impediment to the performance of his duty to appear as an advocate against the offender before a board of his friends, who could understand little of the matter in complaint, and might give him a triumph. One respectable witness gives the tenour of the communications of several others:—

A shopkeeper, a grocer, who knows nothing of police business, who only comes to the board half an hour in a week, often puts such questions or proposes such things as render it difficult for the officers to answer without giving offence and making a personal enemy, by showing the extreme ignorance to which the power of giving directions is intrusted. Another impediment arises from this, that the committee have their connexions, with whose proceedings it may be right to interfere, for publicans and beer-shop keepers take the most active interest in the local elections. Then, when any serious proceeding is to be taken, it is sometimes required that the steps should be made known to the committee, and we know well that some one or more of them tells everything to his wife; it might as well be told at once to half the town. All sorts of indirect interests and cabals are at work, which harass the officers and keep them from attending to their proper duty.

§ 205. Very valuable public officers have expressed their strong desire to obtain posts of less emolument in a superior and trained force, where they might be freed from such annoyances, and act under the supervision of superior and competent officers, by whom their conduct would be understood, and on whom they might rely for support in the performance of their duties.

§ 206. But besides the circumstances in respect to appointments and management, which are to be taken in abatement of

any expectation of the advancement, or even of the maintenance, of the position of such small and isolated forces under untrained management, almost every skilled officer engaged in their direction or superintendence, whom we have examined, has urged that the entire prevention of crime was, as regards their own districts, only practicable by combined operations with the constabulary in districts which were remote, as well as in those which were adjacent. We have before adverted to the fact that, by that separate and indedendent action which is sometimes prized and maintained as a privilege to the population of a district, the insecurity of their own persons and property is impaired, and their own expenses needlessly increased. We may illustrate this state of things by recurring to the experience of the borough of Stockport.

§ 207. From the evidence of the high constable of that borough, it appears that the depredations still committed upon the property of the working classes in that place, where there is a police, are considerable in their aggregate amount. On being examined as to the reasons why the new police, notwithstanding the precautionary measures of immediate pursuit and search for stolen goods within the borough, had failed in preventing such depredations, he ascribed that failure to the absence of any efficient constabulary in the adjacent rural districts to guard the intervening roads to the next towns. He gave an instance of two persons, a man and a woman, who had plundered the habitations of various individuals of the working classes successively, but were ultimately, by chance, detected.

In the case to which I have referred, all the property was transported to the different towns by this female without ever meeting with the slightest interruption. After their conviction (for they were tried at the assizes before Baron Gurney, and the man transported for life, and the woman for 14 years) the man sent for me down into the Castle, at Chester, and he made some disclosures to me, which it is not now necessary to mention. Having done so, I put the question to him, as well as to the female, as to the mode in which they had conveyed the property away. He said the property had always been conveyed away by the female (I have their names—his name was Jervis, and her name was Syms—they were living together, not as man and wife); and I said, "Why, were you never apprehensive of being apprehended?" She said, "Oh no, if I could once get outside the town, I was always safe till I got again to Manchester, but to avoid that," she said, "I used to go *round*, but never *through* the town, round the outskirts of the town." And she has taken clocks and large bundles of clothes so early as between six and eight in the evening; that is one instance. I said to her, "If you could not have got this property away, you could not have pledged it in Stockport without detection;" she said, "We knew that; but we were always aware that those parties would never discover the robberies till we had got out of the way; they had no idea where it was gone to."

And with this property so conveyed away, the probability was that any patrolling officer would have stopped them if he had met them?—With a vigilant patrolling force it would have been impossible for them to have escaped. I remember there is another instance (but there are many); two young men, of the names of Lee and Swann, were tried before Mr. Justice Coleridge, at Chester, who had committed several robberies in the morning. They were similarly circumstanced, one was always employed and acquainted with the people in the mill, their habits, and so on. They broke into their houses after they were gone out to work; one broke into the overlooker's house, and went to work in a few minutes after him; the other conveyed the property away to Manchester. This was in the open day. I asked him afterwards how he had managed; his answer was, "If we could get outside the town, nobody stopped us nearer than Manchester." We have known instances in which we have had lead stolen, which has been conveyed away in carts; the carts have passed along the whole line of road at midnight, without the slightest interruption. Then again, as to the conveyance of property on any line of road, without mentioning any particular town, we have known instances where a great number of robberies have been committed, where a female, an Irish woman, was the receiver; she was a dealer in illicit whiskey too; she had all the property packed up ready to be sent to Ireland on the following morning, with which place there is great communication; indeed, I should consider that any amount of property, whether by day or night, under any form, might be taken from Stockport to Manchester, though it is as public a road as any, not by unfrequented roads, but along that public road, without any, the slightest, danger of detection or difficulty.

In order to prevent this yourself, you must yourself furnish patrols sufficient to patrol the roads?—Yes; but that is impossible, for the robbery is committed before we have any knowledge of it. By the time we obtain any information of it, the outlets from the town are so numerous, that we have not sufficient force to follow.

Is there any protective force on any part of the roads in the adjoining counties?—From Stockport to Manchester is a distance of six miles; there is no regularly employed officer on that great road—one of the greatest thoroughfares in the kingdom almost. It is in that unprotected state that property to any amount almost might be conveyed along it by night or day, when once they get outside the town. From Stockport to Altrincham, a distance of nine miles, in the county of Cheshire, there is no resident officer that I am aware of—no regular police-officer—the whole protective force is confided to farmers and others; township constables, who are not acquainted with this business, and have their own professions to follow. Between the town of Stockport and Buxton, in Derbyshire, a distance of 18 miles, I know of no regularly employed officer; again, between Stockport and Macclesfield, a distance of 12 miles, I know of no resident officer on that great thoroughfare and line of road.

On all those roads is the traffic considerable?—Very considerable; those are frequented roads, roads which are passed by innumerable conveyances, both coaches, carts, waggons, and every other species of conveyance; I am not speaking now of the comparatively unfrequented roads, which are very numerous, and to which there is not the slightest

attention paid, such as passing from Manchester through the adjoining townships of Reddish and Gorton, and those places; I am now speaking of all the great thoroughfares only—those are some instances; I might mention a number of others.

Is the township of Stockport, as a commercial town, much visited by commercial travellers?—Very much so.

Are you acquainted with that class of persons?—With some of them.

Is it their general rule to travel out after dark?—It very rarely occurs.

Do you know what is the reason for that?—The unsafe state of the roads.

Do you think that a sound reason?—I do.

Have you had any occurrences of violence effected upon females on the road?—We have. We have now two men waiting their trial for rape committed on a girl on the high road.

There are considerable factories, are there not, in your neighbourhood?—Yes.

In which females are employed?—Yes.

And who sometimes go to considerable distances?—Yes, there are.

What is the effect or consequence of this state of insecurity?—The consequence is, that they are obliged to go in greater numbers, and also to have, when they do go at all, the protection of their friends at night, of males. They go in numbers together for protection, more than for company.

Do farmers contrive to return home at night in numbers, or anything of that kind, for the same reason?—It is the universal practice, when they go to the markets, to go together; they seldom go alone. Farmers are in the habit of remaining at Stockport till 12 o'clock, on the Saturday night for instance, but they never go, when they have to go into the country, alone. At least, I have never known such a case.

Those farmers who go home, are they people who go home through parts of Cheshire?—Yes; that is, through the parts under the Cheshire Constabulary Act.

Have you had any complaints or applications from farmers as to the state of insecurity of property, without the borough, in Cheshire, under the Constabulary Act?—Yes, generally as to sheep-stealing; one person has lost as many as seven or eight sheep in a very few months. Two different persons had three sheep stolen in one fortnight. A very short time ago, Mr. Millward and Mr. Finny eight sheep. Mr. Kirkham, of Hardham Hall, last week had one sheep stolen, and one other slaughtered.

Do any of the farmers at all sit up at night, or keep dogs for the protection of their property?—I have not sufficient knowledge of that, but they complain of the insecurity of the district.

Is the canal property subject to any depredation in passing through your district?—To a very considerable extent.

What is the operation and effect produced in respect of crime by the unprotected state of the roads in the vicinity of such towns as yours, or other large towns within your observation?—I consider it to be a very great encouragement to the commission of crime, and inducement held out. I believe that few would proceed to the commission of crime, if

they were aware that speedy detection would ensue. But I have already shown you in several instances that persons are able to transfer property with little or scarcely any danger of detection, and I have had it from parties themselves, that they would never have attempted the commission of robberies, for which they have been found guilty, if there had been even the possibility of their being detected while going between one town and another. But it is an encouragement to crime, as it gives an opportunity of disposing of the property to better advantage, and at a greater price. It is also a greater temptation to the receivers, because they have the opportunity of selling it. I consider that if the intermediate roads in the vicinity of large towns were well protected, that fewer robberies would be committed; and that in many robberies that were committed, the disposing of the property would be confined to the immediate town where the robbery took place, and of course detection would directly follow, as all places are at once searched, and suspected places looked after, and therefore it would depreciate the value to the receiver, and make the thing so effective that the commission of a felony would not be attended with any reward, and consequently there would be no inducement.

§ 208. The state of insecurity produced in guarded towns by the unprotected state of surrounding districts is not confined to the facilities of escape furnished to delinquents for crimes committed within the towns, but the subsistence given in the unprotected districts to the predatory classes who harbour in the towns increases the expense of guarding against them. Thus the last witness was asked :—

What number of suspected thieves have you in Stockport, on the average?—We had a considerably greater number than we have at present. Now it is comparatively few. But I should think we have a dozen or fourteen known thieves.

Do they resort to the neighbouring districts?—Yes, very frequently; they resort to the neighbouring districts; they remove for the space of a week or two, or a month or two sometimes. On visiting other towns I have found them; at such towns as Bolton, or Manchester, or Sheffield, or Birmingham.

What number of vagrant lodging-houses have you in the borough? —We have a considerable number now; I should think about 17.

How many lodgers would they have at once in one of these houses? —Some of them would have as many as 30. They vary from 20 to 30. Some few will have that number.

Mostly tramps, or what description of persons?—Mostly tramps, beggars, and assumed tradesmen; match-sellers and pedlars, and other classes of that description; they sell tapes, and needles, and so on, merely to assume the appearance of tradesmen.

What number of vagrants have you on an average in the borough? —I should think on the average now, upwards of 100 at least, lodging every night in the borough; upwards of 100 of the description I have mentioned.

Is mendicity practised much in the borough?—Not to any considerable extent in the borough; we act with some degree of severity with them.

Then they practise it out of the borough?—Yes, out of the borough.

What are their habits in that respect?—Their habits are these—of coming in every night to the town, and leaving generally in the morning, under the assumed character of pedlars, and unlicensed hawkers, such as match-sellers, they cover themselves as tradespeople, and go into the country to the villages and small towns connected with the neighbourhood, to the extent of five or six miles, and very frequently they return with a pretty good load of goods. I believe that crime, to a very considerable extent, is committed and covered by such practices as those under the garb of vagrancy, and as such I consider that the system of permitting the unlicensed hawkers is a very great cause of crime. I believe those persons go very frequently into the country, and not only form communication and connexion with thieves in the country and other towns, but also mark out the situations of houses, and get acquainted with the habits and customs of the residents in those houses, and open the way for burglaries being committed and property stolen; and that they are also vehicles by which a great proportion of stolen property is transferred from one place to another, as well as disposed of by them.

§ 208. Of course, though mendicity and crime may not be practised to "any very considerable extent" within the borough by the hundred vagrants and the dozen or fourteen thieves who lodge within it, much additional labour is required for the police, and proportionate expense thrown upon the rate-payers for the means of prevention. This state of things is further illustrated in the evidence of another very skilful officer, the superintendent of the new police at Bristol. The following is a portion of his examination:—

With relation to all this class of persons living by dishonest courses, it appears from the return you have made, that you have accustomed to migrate 37 burglars, 42 housebreakers, 26 highway robbers, 55 pickpockets, 136 common thieves, 12 forgers, 1 obtainer of goods by false pretences, 3 persons committing frauds of other descriptions, 20 horse-stealers, 12 cattle-stealers, 6 dog-stealers, 55 utterers of base coin, 136 vagrants, as well as 9 bearers of begging letters, 15 well-dressed prostitutes walking the streets, and 40 low prostitutes, infesting low neighbourhoods; all of whom are accustomed to migrate to other places?—Yes.

All those are known to your police?—Yes.

A greater or less proportion of those probably frequent fairs from time to time?—Yes, for 30 or 40 miles round.

Being known to your police, and residing in the city, they would, the greater proportion of them, be unknown to a rural police, that had not the same description and knowledge?—Yes.

If you were acting for the whole county, what would you do for the suppression of crime in relation to this class, and these various characters, if you wanted to stop them in the fairs?—If the fairs were at Newport or Bath, I would send a man in plain clothes, and if at Bristol I should send from Bath some from every district to the fair, so that all the men might know the respective thieves in their districts, and point out to the officer at the fair those characters. In a little time the

thieves would be so well known, they would not be able to pilfer without being detected.

Are not the fairs, as conducted, a means of producing crime?—Yes, very much so. I had application made to me from the different gentlemen at the country fairs, in consequence of the many detections we made here at the Bristol fair, to know if I could not send men to the different fairs in the country. Of course, I could not do that; we are not allowed to act out of the borough.

With a combined action of the police, you would be able to sweep the districts?—Yes, completely so. They would be under the control of one body; I could then give an order to whosoever had charge of the police at Bath, to send so many to Bristol, and every district belonging to that division.

So that you would bring the knowledge of the whole of the district to bear upon the thieves?—Yes, even from London. We have a great many London thieves down here at times.

It would then be an advantage to you at Bristol to have officers from London?—Yes; such as during fairs and races. We have London thieves, and if we had officers from there, it would be of service, as they would recognize them. I have no doubt many of the Bristol thieves are now in town, on account of the queen's visit to the city; and if the Bristol officers were there, it would have a good effect.

§ 209. Wherever superintendence is not supplied by the zeal and ability of the resident gentry, we find that the discipline of the policemen is weakened; and further, that their efficiency is impaired by the formation of local connexions. Thus Mr. E. Lewis, whose testimony with relation to the change produced by the employment of one policeman in the neighbourhood of Barnet we have before cited, states—

Do you continue to employ the policeman?—We do not. He left on his own accord. At the same time we were glad to get rid of him, as he began to be lax in the performance of his duties, as we conceived, from the want of proper superintendence. In the first instance the man behaved admirably; latterly we were aware that he was not out at night so often as he ought to have been; and his conduct proved the necessity of a strict superintendence.

Did any of you endeavour to institute such a superintendence?—We failed in that.

From what cause?—The farmers did not think it worth their while to get up at night to see that the policeman was upon his duty. We then applied to the Barnet Association to be admitted as subscribers, as we considered that we might thus gain the advantage of the requisite superintendence, such as we find established in that Association. But the Association refused to admit us, because the parish of Little Berkhamstead intervenes between us; and as that parish refused to become part of the Association, they could not form an uninterrupted line of communication between themselves and us. Little Berkhamstead would have had the advantage of the Barnet police without contributing to the expense, if we had been admitted.

H. E. Blyth, Esq., an acting magistrate in Norfolk, after

relating the success which had attended the introduction of three paid policemen into the Burnham Union, states—

The persons usually appointed in the country to fill the office of constable, are small tradesmen, who are necessarily connected one way or other with many parties around them, and often dare not act, if the duty they are called upon to perform should chance to be unpopular. The paid police, on the contrary, have not this consideration to influence them; and I have observed that the constables are always willing to let them take as much of the duty off their hands as they can. The experience of three or four years, however, has taught us that superintendence is much wanted to keep the men up to their duty; we have little or no control over them; and though we have a weekly report of their visits and duty performed, we know little of their movements, and less of their habits; and we have been under the necessity of discharging two or three for ill conduct. Our Board continue desirous of employing them, and I believe the magistrates, without exception, are not only anxious to retain them, but would gladly see a system adopted which should make a police more efficient and more responsible than we can possibly have them without superintendence.

§ 210. In the metropolis or the larger towns connexions are not so easily formed, and are not so mischievous in their effects as in the rural districts. It would be superfluous to enlarge on the probability of deterioration in any force in which (whether the appointments were local or not) separate or independent management, by precluding the practicability of any adequate and systematic change in the districts of the men, must end in producing those local interests and connexions which are now the subject of complaint from the magistrates in every part of the country. There is no point on which we find so much unanimity of sentiment in the answers of persons of all classes as that the constabulary should be unconnected with the district in which they act; and to that purpose one frequent recommendation is, "that they should be changed from district to district like the Excise."

§ 211. We find, moreover, that whenever such a force has been confined in its action to petty districts, each independent of every other, an independent interest is maintained, perpetual jealousies and animosities are engendered, which preclude any intercommunity of information or any cordial unity of action. The information gained in one district, unless communicated by accident, is lost to all others. Depredators whose systematic operations may have excited alarm in one neighbourhood are enabled to shift to another, which knowing no danger takes no precautions for its safety, and thus the depredators are enabled to recommence and pursue their operations with renewed chances of impunity. An extension of the like arrangements would be only an extension of the like partial success; or if the like consequenees were averted, it could only be at enormous mutual but otherwise unnecessary expense.

§ 212. We do not consider it necessary to give any lengthened exposition of our opinions on the subject of the applications for powers from the Legislature for the voluntary adoption of a paid force, accompanied by a discretion as to the nature of the appointments or the continuance in employment of the men of the force so adopted. The extreme inadequacy of any merely permissive measures, dependent for their adoption on meetings termed popular, or on the opinions of those who are able or are inclined to meet for such purposes, is shown in the paucity of cases in which the provisions of the Act of Wm. the IVth have been adopted. Measures voluntary to such an extent appear to us to be open to such objections as we have stated against the adoption of the principle of self-protection and the abandonment of the constitutional principle of the responsibility of the Crown for the maintenance of the public peace. The considerations necessary even for effective self-protection are found, however, to be greatly beyond the range of ordinary experience or observation. In illustration of how little may be expected to be done voluntarily by such assent in districts where there has been no experience, and where there is consequently no distinct knowledge possessed of what may be effected by a well-appointed and paid agency, we might cite much evidence to show the instability of any force dependent on voluntary local exertion in the districts where the advantages of such a force have been experienced, and are notorious and generally acknowledged. Notwithstanding the striking changes experienced from the operations of a paid constabulary by the inhabitants of Stow-on-the-Wold, notwithstanding the relief derived from the state of fear, in which they were afraid to move out or return from market singly after dark; it is stated to us in evidence, that those benefits are in danger of abandonment, unless a measure for a compulsory rate be conferred. Mr. Pole states—

Now they (the farmers) say that they are paying for what they do not derive any advantage from, and that causes jealousies and heart-burnings. If we had the means of raising a rate according to the rental, that would stop a great deal of it; they all acknowledge the benefit, but it is the funds. We are hampered by the beer-shops; they are every one against us, because we spoil their trade; they are inveterate against us, and so are the lower public-houses.

What is paid by the farmers?—All voluntary contributions.

What do they contribute voluntarily?—They contributed very willingly at first, but it is very difficult at present to get their subscriptions. They have now no fear of depredations, and the farmers do not choose to part with their money. Out of the £140, which is the amount of the expense of the police at Stow, £80 of it is paid by the gentry; that would be only about £60 paid by the farmers. Some farmers are very liberal; one gives us £3 a-year; but I am sorry to say that some of the principal farmers are very different. At one of the fairs three or

four young men, sons of farmers, disguised themselves and kicked up a row at night; they pretty nearly killed a man; they were taken up and put into the round-house, and they turned out to be the sons of very respectable farmers. Otway (the paid constable) showed no favouritism, and we visited them with due punishment. In consequence of that disgrace some of the farmers have been very shy of paying, because their own children were brought up. That is one of the evils we have to contend against.

That, then, which is established to your mind and the minds of the other magistrates of the districts is the importance first of maintaining a paid force?—We want nothing but the power of raising the funds and collecting the money. We would keep our forces up, but it is getting the money. The farmers say, "It is very hard for us that we who pay to support a police of our own who have driven away the rogues, and are still driving them away from us to other divisions of the county, should be called upon to pay county-rates for prosecutions that take place in other places because they have no police; we are paying twice over; once for our own protection, and, secondly, for those parties who will not have a police to protect themselves.

And the farmers deriving the benefit of the general state of increased security, believing that the gentry will pay for the police, fall back upon them?—Yes; that is just the case. Then there are little bickerings; one says, what is the use of my paying, I will not pay; you must protect my property though I do not pay, because the police is all around me; and we have all those kinds of things to contend with. All we want is the means of raising our £140; give us that, and we will be perfectly content; we want nothing more.

Have you the means of getting your officers from a distance and of changing them?—That is another question. I would not have a man if you were to give him me out of my own county; there would be that confounded partiality and favouritism, that the duty would never be properly performed. I say you must have strangers.

And would it be desirable that they should be changed from time to time?—If I were to superintend that division, supposing that I had it all upon my own hands, I would keep one head man, such an one as I could depend upon for the superintendence of the whole; then I would occasionally shift the others to keep up the link of information.

§ 213. Besides the elements of deterioration of a constabulary, found in its defective organization and in its management of separate establishments, whether municipal, or rural, or voluntary, the action on such narrow views as those described in the evidence last cited cannot but operate perniciously on the characters and exertions of the paid officers, by making it their preponderant interest that crime should only be suppressed to a certain point by making its maintenance up to that point the chief security for the continuance of the officers' income. The common course of conduct by which pernicious interests of the description adverted to are generated in the minds of the paid constables, is thus described by Mr. Burgess the governor of Knutsford gaol:—

I consider, through the present mode of appointment of officers of

police, many meritorious members of that body have been subjected to much unmerited evil and injustice in the following manner:—

In a small town, of a population of about 3000 inhabitants, the house or shop of a principal inhabitant has been broken open in the night, and much property taken therefrom; and being much talked about, it brings into conversation numerous petty offences which have previously taken place; the result of which is, that all at that time agree that an active police officer is absolutely necessary; and the clergyman of the parish, or some other principal inhabitant, is requested to write to some officer of note, wishing him to recommend a proper person, to whom a liberal salary will be given; on the faith of this the officer applied to frequently sends one of his principal assistants, thinking he is doing him a service, and expecting also that the example may prove a stimulus of exertion to his other men; the man is engaged, and for a year gives the greatest satisfaction, during which time he, perhaps, apprehends and prosecutes to conviction six or eight offenders, and is the cause of as many more leaving the neighbourhood.

Now those convicted and absconded form a desperate gang when working together in a small town, but no sooner is the village quiet, and the officer appears to have nothing to do but walk about, than some economist springs up, quite forgetful of their former state, and wonders why they should keep an idle fellow like that, walking about at a salary of from £80 to £100 per annum; stating that it could be as well done by the old system of rotation, or that there were many men in their own parish that would undertake it for £30.

From this moment the officer has no comfort in the course of his duties: he cannot have pleased every one; every act he commits is construed to his prejudice, and he is attacked at all public meetings: in vain do the sensible part of the inhabitants endeavour to befriend him, his comfort is destroyed. He has endeavoured to do his duty, but at the next annual appointment a muster of these economists is made, and a motion entered into to reduce his salary: the officer must accept, or another person is appointed in his stead; but that is one only of the evils which attend him.

Frequently in acting independently he offends some influential man, for in most small towns there are two parties, both having a leader, and the officer, by pleasing one, generally offends the other; the offended party muster their strength at the meeting, allege some cause of partiality or remissness of duty, and the man, who not two years ago went amongst them with an unsullied character, who has ridden the town of a desperate gang of thieves, removed his family many miles from amongst his friends, is now discharged from his situation, disgraced, and obliged to return from whence he came. Police business renders him unfit for any other occupation, and his discharge from one town renders him unfit for another; if his character receive the least stain, he is quite unfit to be again placed in a witness-box.

Now, I consider a police force ought to be a body acting independently of any party, and within an almost unlimited jurisdiction, and bound to notice all infringements on the law of the land; and, such being the construction, that a different mode ought to be adopted as to their payment than at present exists.

§ 214. A large proportion of the instances in which trained

constables have been sent into the rural districts would furnish further illustrations of the course of proceeding above described.

The primary recommendation of Mr. Trafford Trafford, derived from the experience of the voluntary management of a constabulary force by the petty sessions, is that its adoption should not be voluntary, but imperative and regulated. In nearly every instance we have examined of the voluntary trial of a paid force, the like recommendation is emphatically expressed by those persons who have taken the most able lead in its management. The considerations suggested by the description of evidence last cited will be much influenced by another topic prescribed to us by our Commission.

PUBLIC SERVICES OTHER THAN THOSE CONNECTED WITH THE PREVENTION OF DEPREDATIONS OBTAINABLE FROM A PAID CONSTABULARY FORCE.

In the management of a preventive police, or constabulary, it will frequently be necessary that the force should patrol certain roads or lines of communication where depredations or crimes of any sort are comparatively unfrequent.

§ 215. In the greater proportion of the streets of the most populous towns, the essential duty of a police is that of watch and ward or patrolling as a sentinel: this is frequently a monotonous and wearisome duty. Considerations, having regard to the relief of the men, to the efficiency of the force, and to public economy, suggest that any paid constables should be required to perform all the public service they may be able to perform so as to occupy their whole time. Our information leads us to the conclusion that the basis of service for the appointment of such a force should be extended to the prevention and alleviation of accidents and calamities, as well as infractions of the criminal law. The importance of the proposed extension of the functions or consolidation of the duties of a constabulary, when acting in the rural districts, will perhaps receive the best illustration from the facts which show its expediency in respect to a constabulary or a police acting in the towns.

The events which require the intervention of any agency in any particular street or beat, usually occur fortuitously, separately, and consecutively rather than simultaneously. It cannot, for example, be predicted whether on any one day there will occur in any one street an act of theft, an act of mendicancy, an act of vagrancy, or some act of wilful obstruction of the public thoroughfare, requiring the intervention of a public officer. To the extent in which such events do not occur simultaneously, but successively, it is the best economy to appoint one officer to meet the

events separately, instead of appointing separate officers to meet each description of events. We find, however, where the new police has not been introduced, that paid officers are appointed on the opposite principle of assigning one set of officers to meet each class of events, or duties. Thus in town districts we find police-officers exclusively appointed to meet acts of theft; beadles, or mendicity officers, to meet acts of vagrancy or mendicity; street-keepers to remove obstructions on the roads. On this principle the number of officers in any one street or place may be exceedingly numerous, and yet a large class of occurrences be left without the needful provision. In one corporate jurisdiction where there are between 200 and 300 day and night paid constables, we find that to two paid officers is assigned the duty of apprehending vagrants. The whole district is infested with vagrants, who are only annoyed, and not repressed, by the petty action of the two officers; it being inferred that it is not the business of the other 200 or 300 officers to deal with vagrancy. Were the events so numerous as to require the same number of officers on the one principle of organization as on the other, still additional power would be gained by the principle of concentrating the functions. For on the latter principle, instead of a street being guarded by no more than one police-officer against thieves, by no more than one beadle against vagrants, by no more than one street-keeper to remove obstructions, it is guarded by three police-officers, each with powers to act against thieves, vagrants, or persons creating obstructions. And by this arrangement we have three pairs of eyes, instead of one, to watch for the offence of each sort, and three pairs of hands, instead of one, to act against the offender of each sort who may appear. On this principle of organization evils may be guarded against universally, which otherwise can only be guarded against partially. On this principle economy may be promoted, whilst power is gained; for if we reduce the number of officers by one-third, we have still two officers instead of one to act upon each class of cases.

§ 215. In consequence of unconnected arrangements, the civil force of many of the towns is still weakened, and maintained at a great expense, on the opposite principle of a useless division of labour. Thus in Manchester the police-officer is the proper officer to receive the custody of persons charged with the commission of offences. During the night the watchman, a person belonging to a distinct force, is the proper person to perform that duty. These forces are under separate direction. In the jurisdiction of one corporation there were recently constables appointed by the parishioners, and serving in their "own right," that is to say, gratuitously and reluctantly; there were deputy constables appointed by the constables, and ekeing out their payments by casual fees; there were parish watchmen for the night, and street watchmen, maintained by subscription, and private watchmen,

maintained by individuals for their self-protection; there were beadles appointed by the parishes, and beadles as well as constables appointed by the wards; there are also paid officers of several descriptions appointed by the aldermen or the common council. These several descriptions of officers, appointed by independent jurisdictions, were practically independent of each other and they were commonly inclined to prove their independence by thwarting each other on all occasions where offenders to be pursued were concerned with different subdivisions.

§ 216. Establishments are also multiplied uselessly, and at a grievous expense in proportion to the number of distinct sets of officers. Where separate bodies are vested with the gratuitous performance of distinct duties, we find that those are seldom performed, especially if they are duties which may be performed at distant intervals. Thus in the case of ward or other inquests, popularly called annoyance juries, appointed to enforce one set of police regulations, namely, to abate nuisances, including under this term the removal of matters injurious to the public health. At the time when the country was afflicted by the cholera, and the attention of the community was strongly directed to all visible causes of disease, it was found in almost every thickly populated district that the nuisances, which it was the duty of such functionaries to cause to be abated, existed to such an extent as to be beyond the power of the new Boards of Health, which it was necessary to organise for the occasion, to get removed. We find that in some districts,—the surveyors of the roads, not being sufficiently numerous, or having no aid from any public officers who traverse the roads, and might report on their condition,—dangerous holes in the road remain open during days or weeks, until a clamour is raised by the occurrence of accidents, and the proper officer is sent for.

§ 217. We are anxious that the principle of the combination of functions by a paid force should be clearly understood, or otherwise the anxiety to increase the efficiency of any uniform force, with economy to the public, and the reduction or the avoidance of any increase in the number of public officers by the combination of functions, by the consolidation of the various petty jurisdictions and conflicting authorities, are obnoxious to the charge of being promoted from a rapacious desire for increased power or emolument.

§ 218. On the principle we have stated, highly valuable service may be obtained by the public from a police force, by causing them to act as firemen. In patrolling the streets at night the police are commonly the first to see the fires. From returns extending over the last three years it appears that the metropolitan police have stopped upwards of 150 fires at their commencement, and have saved 90 lives, whilst only nine were saved by other persons. We find that in some places they have performed suc-

cessfully the duties of firemen. Thus it is stated in the answer from the borough of Leeds:—

They (the paid police) attend immediately on every alarm of fire, and render the most effectual assistance in their power under the superintendence of the highest superior officer present. The watch committee have the care of the fire-engines.

The superintendent of the police at Liverpool states—

The police force comprise also a fire police. A certain number, 40 constables, are drilled as firemen; there are no other firemen in the town; there are eleven engines all under my care. The advantage of having a fire police within the police force is very great and apparent. The average annual loss for eight preceding years was £400,000: it will not this year, I expect, exceed £10,000. Formerly a single fire cost £400 or £500, now it costs only a very few pounds. All this is owing to the policemen being firemen, and to our new regulations at fires.

All the chief local officers of municipal police whom we have examined have declared it to be desirable that the station-houses should be provided with fire-engines to enable the men to act at once in the most effectual manner for the prevention or alleviation of the calamities by fire. It would be of further service for the prevention of such calamities that fire-escape ladders and keys of the water-plugs should be kept at the police station. It has been suggested that in those of the rural districts, where it might be expedient to have one or two mounted policemen within a division, they might on such occasions use the horses for the more rapid conveyance of the fire-engine. At present it is frequently the case in the smaller country towns when a fire is discovered, and it cannot at once be extinguished, that the first business of the police is to seek for the keeper of the parish engine. In the course of the examination of a witness on the subject of the trial of a police force at Barnet he was questioned on this topic.

Are there any other services which you render, or could render?—I have often thought that such a force as ours might render great assistance if we had the charge of the parish fire-engine.

Have your parishes in this district any fire-engine?—We have a fire-engine at Barnet.

Have you had any fires where the engine has been mismanaged?—Yes, it has been so at every fire here that I have seen. The engineers are a very incompetent sort of people.

Who are the engineers?—Generally a barber. The engineer at Barnet is a barber. Sometimes when he is wanted he is tipsy. The last time when he was wanted, which was at a fire at Finchley, he was not to be found, and the fire went on until engines arrived from London. When the large fire took place at Barnet we might have had the engine out, and in action, at least half an hour sooner than it was. The police ought to have the care of the engine, for when they are out patrolling they are the first to see fires.

The superintendent of this force was also questioned on the same topic.

Again, the constabulary should practise a fire-engine. The only

engine I have ever seen is useless; the hose will not go on, and the suckers are dry One or two men belonging to the police force could be practised to manage the engine.

But might not the police force itself keep up and manage this fire-engine?—Yes.

Have you ever had any intention of taking upon yourselves that duty?—The engineer is very tenacious of his authority.

Do you not think the paid constabulary might do it better than the fire-officers?—Yes: they would not understand anything of the locality of the place. If they were practised to do it, two or three of our men would learn it as well as any men in the world, and be equally serviceable. Then the use of a horse and van would save an immense deal of money to the county.

Besides the time lost in seeking for such keepers and such engines (where there are any), further time is usually lost in seeking for the turncocks to obtain supplies of water; and escape ladders are not unfrequently the objects of separate search whilst the fire is raging. To avoid such fatal delay, confusion, and destruction of property, a superintendent of the new police offered to the insurance-offices in one of the large towns to take charge of the fire-engines. We have it in evidence that this arrangement, obviously so advantageous to the public, was rejected. We have too frequently had presented to us instances of obstacles being raised to the appointment of an efficient constabulary force itself, and impunity given to crime from false notions of the interference of such a force with any personal importance derived from the present system, to be surprised at the means of preventing the loss of life, and diminishing the destruction of property by fire, being withheld from motives of perverted pecuniary interests. We have no hesitation, however, in stating that amongst other services which it is found that a paid constabulary may be made to perform are those of firemen, and that, for this purpose, the public fire-engines would be most beneficially entrusted to their charge.

§ 219. We find benevolence abundant but inefficient; and we have been everywhere struck by the absence or deficiency of such arrangements for the prevention of calamities as mark the benevolent forethought of a civilized people. Thus, on parts of our coasts where shipwrecks are frequent, whilst we found the localities stained with barbarous habits of plunder, we rarely discovered any apparatus or preparations for saving life.

It is shown that a police station-house may advantageously be made the depôt for such apparatus, and that a well-organised police or constabulary, besides performing the duties of firemen, may be made agents for objects of practical humanity, such as are the agents of the voluntary association called the Humane Society. Every police station-house near rivers, where accidents from drowning occur, should be provided with drags and the apparatus for restoring suspended animation.

§ 220. The performance of their duties in the suppression of mendicancy brings within the care of the police the destitute and the helpless children lost, and exhausted wayfarers and persons suddenly overtaken by sickness. The station-houses of the Metropolitan Police are provided with stretchers or litters for the conveyance of the sick or helpless to the workhouse or to hospitals as their cases may require, and medical aid is provided to be given at the station-house itself for cases of a more urgent nature. In the rural districts the paid constables who have patrolled the roads have made it their business to cause the removal of fallen trees or other obstructions by which accidents to carriages or other conveyances might be occasioned.

§ 221. The police station has also been made a place for the care of found things, and the men the agents for giving notice of things lost and for recovering them.

§ 222. The following return from the Metropolitan Police will show some portions of the service which such a force is capable of rendering to the public in connexion with their services in the prevention of crime:—

	1836.	1837.	1838.
Calamities by Fire.			
Number of fires at which the police have rendered assistance	240	229	306
Number of fires extinguished at the commencement by the police	104	59	78
Number of lives saved from fire by them	23	27	39
Calamities by Water.			
Number of lives saved from drowning by the police	33	32	45
Calamities on the Roads.			
Number of dangerous accidents prevented, or in which assistance was rendered by the police, viz.,			
From horses running away	355	206	276
From coaches overturned	46	47	66
Persons ridden over by coaches, carts, waggons, horses, &c.	527	288	621
Number of persons found helpless from sudden sickness, who were assisted and removed to their own homes, or to hospitals, by the police, viz.,			
Males	184	156	186
Females	124	107	115
Number of insane persons found at large and taken care of by the police	75	70	82
Number of children found at large and restored by them	898	933	1,001
Number of persons found destitute, and in danger of perishing in the streets, relieved or removed to workhouses by the police	150	293	331
Number of suicides prevented by the police	31	48	73
Number of persons who have fallen into cesspools, or into similar peril, rescued by the police	9	10	18
Number of women who were taken in labour in the streets assisted by the police	7	5	3
Number of other cases of danger assisted by the police	4	3	2
Number of persons found dead, and inquiries instituted, by the police, viz.,			
Cases of Murder	11	13	16
Suicide	97	123	110
Accidental death	117	121	151
Unknown	7	..	5
Total number of cases in which assistance was rendered by the police	3,042	2,770	3,524

	1836.	1837.	1838.
Amount of Property Lost, viz.:—	£.	£.	£.
By fire	486,500	198,589	109,791
By *reported* loss from depredation	31,306	25,854	26,134
Amount of Property saved or recovered, viz.:—			
From the depredators	..	1,233	2,845
From drunken persons	8,470	9,430	8,033
From suicides	..	43	56
From careless exposure	12,800	13,530	1,949
From depredators out of Metropolitan Police district	9,250	666	330
From fire, considerable, but unknown.			

§ 223. Such an association as the Humane Society can command only the occasional aid of one or two dozen agents, whose services are brought to bear on conspicuous points, such as on a few rivers or places of the most frequent resort during particular seasons. Of late, indeed, the services of this particular association in the metropolis have been undertaken by the Metropolitan Police, and men belonging to that force are placed at the disposal of the society, when they conceive that additional aid is needed. But on the principal we have stated, which has already been extensively acted upon, every one of the three thousand trained police constables is a fireman, and an agent for the performance of beneficent acts: the trained force pervades not only the few conspicuous points of resort in the metropolis, but every obscure or solitary place to which guilt or despair may seek refuge; and watches at all seasons, and at all times, by night and by day, for the alleviation of calamities of every description, of fire, or drowning, or destitution, and the accidents that may peculiarly befall those who travel by land.

§ 224. A voluntary association, chiefly supported by seafaring persons, called the Association for the Preservation of Life from Shipwreck, has sought the means of preserving those that travel by water; but that association appears to have failed in doing more than obtaining partial attention to the calamities which occur to the wayfarers on our coast; nor would any voluntary subscriptions obtainable by such associations secure an adequate agency for the accomplishment of the duties of a civilized community in those respects. In the instances we have met with of the use of proper means for the preservation of life from shipwreck on our coast, we find that the means were used not in compliance with any administrative regulation, but from the spontaneous humanity and gallantry of the officers and men of that portion of our navy engaged on the coast guard. We have found no instance of such measures having been taken by the people inhabiting the locality. We have seen that whilst the officers and men were engaged, at the hazard of their own lives, in saving the lives of the shipwrecked mariners, the rude and demoralized population were intently engaged in plunder. We hope, however, that we

may be warranted, by the extent of our investigations, in stating, in reference to reported atrocities perpetrated on our coasts, that there are no traces of the wilful destruction of life for the sake of plunder; and that, acquitting the population of the guilt of commission, the guilt proved is that of culpable omission of the Christian duty of taking active measures for saving life. On the coast of Cheshire, for example, where shipwrecks attended by such loss of life occur with the regularity which sustains gangs in a state of organization for plunder, we find no organization for the performance of the duties of humanity, and can learn only of two life-boats used within the jurisdiction of the borough of Liverpool. Mr. Dowling examined:—

Are you aware whether on the coast of Cheshire, or on the portions of the coast where wrecks occur with such certainty and so many lives are lost, that any means of prevention in the way of the Humane Society's apparatus, or otherwise, are kept?—None. Indeed I know that there is not; there is no station, nor are there any means.

Are there any life-boats belonging to Cheshire or the local authorities?—I believe not. I know of none. There are indeed two life-boats upon a part of the Cheshire coast placed there by Liverpool, the one at Hoylake is maintained by the trustees of the Liverpool Docks, but there are none belonging to Cheshire, to my knowledge.

Notwithstanding these wrecks, notwithstanding this continued loss of life, there is no apparatus for saving life, none of Captain Manby's apparatus, no rockets or shells, nor any other apparatus at all by which life may be saved?—None; and the coast is as wild both in its appearance and character as any coast in any country you can imagine, even the most barbarous. It is perfectly wild and unprotected.

The same officer, applying the principle adopted in the trained force in which he had previously served, made arrangements for the preservation of life from accidental drowning in the crowded docks of Liverpool. That hot-water beds and other means might be obtained the most promptly at a moderate expense, arrangements were made with certain adjacent public-houses to have the proper apparatus in readiness, and to act as receiving-houses. It appears from a Return, from April, 1833, to April, 1836, that whilst 7 persons were drowned in the river, and 31 in the different docks, no less than 307 were saved from drowning.

§ 225. The introduction of a trained force throughout the country would be the introduction of similar means of protection along the whole of our coast, and the inland waters, and the stain of the neglect of the duties of humanity might be effectually removed. The like protection might be given, and much loss of life and suffering might be saved by such a force, by preventing the occurrence on the roads of dangerous and fatal accidents arising from culpable omissions or blameless causes.

Many lives might be spared in the course of a year, (say the answers in the return from the parish of Brangling in Essex,) if constables were bound to take cognizance of furious driving, and of carters driving in their carts or waggons without reins, or sleeping in them. Three or

more deaths from these causes have occurred in this immediate neighbourhood within the last year. What are called Running Waggons with six horses are dangerous, although the conductor may have reins, when, as is usual, they move at a fast trot, guided from the inside or from the shaft. Accidents occasioned by these vehicles have been a source of expense to this parish.

§ 226. To the actual saving of life by such an agency from various fatal accidents must be added the extensive relief from apprehensions of the greater number who are or who may be exposed to such calamities, by the painful anticipation of which the value of life is diminished.

§ 227. These courses must further exercise a beneficial influence on the labouring classes by teaching them to respect and trust the administration of the law and the law itself; by showing them that they are cared for by the authorities, and are not, as they must but too commonly suppose, merely and exclusively the subjects of coercion. We might specify various other salutary though minor functions which a trained force might execute, with the further attendant advantage of exercising a useful influence on the feelings of the labouring classes, and obtaining their alliance and aid in the general execution of the law. One means, however, to this end we may notice: namely, that the same good order and respect for the law and rights of others that is required of themselves, be impartially enforced from all persons above them in station. In those towns where there is no adequate protection by a proper watch or police at night, breaches of the public peace, disturbances at unseasonable hours, and wanton alarms and uproars raised by ill-educated youth, or young men heated by wine, are the subject of grievous complaints. These manifestations of an immoral disregard of the feelings of others are generally accompanied by examples of marked contempt for the authority of the law, which the badly-appointed constables or other officers are unable to sustain. The disorderly characters at the beer-shops cannot but receive encouragement from the impunity of transgressors of a higher class, displayed generally on the old and helpless. The following is an example, stated in a communication from John Biddulph, Esq., (of the firm of Cocks and Biddulph, bankers, Charing Cross,) a magistrate residing at Ledbury, acting in the upper division of Radlow hundred, in the county of Hereford:—

A more efficient preventive force would be very useful; it would prevent crime, and I conceive would also prevent those mischievous nightly depredations now committed by young lawyers and their clerks, surgeons and their assistants, and others known here by the name of *gentry*. I have known a house unroofed in order to alarm an old woman. I have known a gun fired into an old lady's bedchamber window. I have known a gentleman's drawing-room entered at night and every article taken out upon the lawn and left there,—nothing taken away. I have known the gates of gentlemen's grounds unhinged

and carried to a considerable distance. I have had my own fountains and rockwork greatly injured and thrown into the water; my large bell unhung and carried away, probably thrown into some pool; all the flowers, &c., entirely destroyed; gates taken off the hinges in order to let the deer and cattle out of the park into the gardens and pleasure grounds, &c. I have very frequently had my windows broken by stones without discovering the offenders, because there is no constable who dares to inform against "*the gentry.*"

We need only advert to the fact, that during the period when the peace of the metropolis was in the keeping of the parochial officers, the streets were the common scenes of outrages of this character, and the authorities were set at defiance, or made the subject of contemptuous treatment. Since the appointment of the new police such practices have ceased, and the respect which they have enforced from the classes addicted to them has been attended with a beneficial effect on others prone to follow their example. The comparative quiet produced at night has often been more highly appreciated than the repression of the more serious offences. The people who have not been under any serious insecurity from depredation, commonly appreciate as the most valuable service of a police the comparative security which they maintain from such annoyances. We are informed that a number of the inhabitants of Ledbury recently subscribed to maintain two paid constables, one of whom they stipulated should be a stranger, to be obtained, if possible, from the Metropolitan Police, for protection from such disturbances rather than for the prevention of depredation, which in that district is stated to be inconsiderable.

§ 227. The Metropolitan Police have been found extremely useful for a great variety of administrative purposes. One of these, for which we think they may be made extensively available, is that of giving notices to inspectors of nuisances on roads. They have, under local acts, undertaken the duties of reporting immediately on all defects in the roads, requiring the attention of the surveyor; on all neglects of the contractor's men or scavengers to cleanse the streets or roads properly; on all neglects in respect to the lighting of the roads, and on all nuisances and obstructions. In some of the provincial cities and towns the paid constables have already performed such duties to the extent to which they are not prevented by corporate privileges. The answer contained in the Return from the city of Lincoln states—

Before the separation of the business of police from that of lighting, paving, &c., they did all this. Since the separation, being paid as constables only, they declined the matters referred to in the question, until the watch committee made the following order,—"That the police constables should deliver the cards and notices of commissioners' meetings, and ascertain and report to the surveyor on the following matters,—the cleansing and sweeping of the footpaths and gutters, any irregularities in the placing of stalls, standings, &c., on market and fair days, and the manner in which the contract with the gas company is

performed with regard to the lighting and extinguishing of the public lamps; but that such arrangement should not relieve the surveyor from his responsibility in respect of those matters, or authorize him to call the police officers from the discharge of their more immediate and regular duties."

In the borough of Leeds—

They are instructed to lay informations against persons for cruelty to animals. To cause an observance of cleanliness on the causeways in front of shops, &c., and to keep order as far as possible in the public streets.

In the borough of Derby—

The constables on night duty report all lamps out before the time contracted for. The day constables report when the foot pavements are not cleaned according to the provisions of our local act; but this and other similar matters fall more properly under the surveillance of the inspector of nuisances, an officer appointed by the commissioners of paving and lighting.

§ 228. One of the answers in the Return from the parish of Monkton Hadley, in the Barnet Union, enumerates as follows the services which a paid constabulary may be made to render within a rural district:—

A variety of useful services might be rendered, and is, in fact, now rendered by the police of the association, as far as their small numbers will admit of. The observance of trampers, vagrants, or mendicants, not allowing them to beset the houses in the parish or union, but to pass them on; to examine all carts and waggons which they may suspect of carrying stolen hay, straw, or corn (of late a frequent occurrence), or other stolen property; to give notice to the inhabitants if their premises are found insecure; to stop, pound, or otherwise take charge of all strayed cattle, poultry, &c., they may fall in with during the night; to prevent shopkeepers and others from blocking up the public paths or roads by placing boxes, barrels, or goods of various descriptions upon the paths in front of their houses; by rousing the inmates of any house or premises where they may in the night smell fire, and have reason to suspect that all is not safe; by strictly watching the conduct and movements of that description of persons, within the parish or union, who live without work, and have no known honest means of livelihood, and reporting thereon for the information of the board of guardians, should they at any time apply for relief; by preventing the houses of the inhabitants from being beset by sturdy beggars during the hours of Divine service, when they not unfrequently alarm and frighten a perhaps solitary servant into forced relief; to check that system of wilfully damaging fences, trees, or other property, so peculiar to, and so inherent in, the character of the lower orders and others in this country. There are no doubt other and perhaps even more useful functions which might be assigned to paid constables or other efficient officers.

The magistrates of the division of Loddon and Clavering, in Norfolk, state that the constables—

Might be surveyors of the roads, or collectors of the poor-rates of

the parish or parishes of which they have the charge, and thus save considerable expense to the parishes of the division.

The magistrates of the division of Staincross, in Yorkshire, state—

The constables might possibly be employed in collecting assessed taxes, poor, highway, and other rates, which would save the expense of persons employed for that purpose.

§ 229. It has been proved that paid constables have, in some instances, saved nearly the amount of their salaries by the service of process. They have, in fact, saved more than the expenses by the greater amounts of money they have recovered. When an unpaid constable has been taken from his occupation he has, from sentiments of justice, been paid for his time or maintenance; the cost of which having been cast on the particular case has rendered it unduly expensive. The expenses of the service of process being thus much enhanced, it has frequently become a practice not to take proceedings for the recovery of the money in question until such arrears have accumulated as to make it worth while to incur the expense of the process. By that time the arrears, together with the expenses, were greater than the improvident persons against whom the process was served could bear; and, instead of obtaining payment, the public have been burthened with the expense of maintaining the defaulters in prison. Where there is a trained paid officer on the spot, the duty is not only performed more efficiently, but it is performed gratuitously; there is not the same motive to permit accumulations of arrears to prevent the process being disproportionately expensive.

The magistrates of the division of Langbrough West (North Riding of York) state that—

Several parishes have, within the last few years, sustained losses by reason of persons removing to London, Liverpool, and other distant parts, leaving parochial rates unpaid and illegitimate children unprovided for; and in some instances, we believe, the money might have been recovered if warrants issued here could have been sent by post, accompanied by the informations upon which they were grounded, and affidavits of the signature of the magistrates, and could have been executed at the places where the parties were found, without incurring the expense of sending a constable so great a distance; and, in like manner, if summonses, so verified, could be served at a distance, and affidavits of service received in evidence, many sums might be recovered which are now lost on account of the great expense attending the execution and verification of warrants and summonses at a distance.

Under a well-organized system, instead of sending officers at great expense to serve process, or make arrests in distant districts, the warrant, or authority, would be transmitted by post to the officer resident on the spot, by whom it would be served. This might be done equally in the service of criminal as well as civil process.

§ 230. In the Returns of answers from all parts of the country,

the utility of such a force for various administrative purposes appears to be fully appreciated, and it is perceived that some subordinate duties may be so combined, as to operate as checks on the due performance of the chief duties of a trained force in a rural district. Thus it is suggested that some of the business of the collection of rates, and of the inspection of the roads, may be so imposed on the constables or on their officers as to serve as checks or sureties for the performance of the duty of patrolling, or of watch and ward. In aid of this object some of the men have been directed to deliver letters at particular points, and it has been suggested that they might occasionally be used in thinly populated districts to aid the delivery of the post letters.

§ 231. We see no reason to doubt that, independently of the services rendered in the prevention of crime, a trained constabulary, under trained and well sustained direction, would prevent so much fear, remove so many annoyances, and produce such a state of comparative "good order" and general liberty and security constantly felt and enjoyed, as to become popular, and be supported without repining at the expense. We are fully satisfied that the appreciation of the importance of the various services which we have above described, would sufficiently abate the pernicious feeling generated in the minds of the police or constabulary by such narrow views as that their usefulness and their livelihood are entirely dependent on the maintenance of a certain amount of the most prominent evils which they are appointed to repress. The monotonous and wearisome routine of watch and ward, or patrolling, must often induce them to occupy their attention in a manner in no wise beneficial either to the public or to themselves. By supplying them with various and useful objects of attention, a more vigilant and better habit of mind is formed; they are made more intelligent, and their capacity for the execution of any one useful purpose is increased.

§ 232. We have given examples merely, and not a perfect list even of the more serious and important functions of a constabulary. We wish it to be observed that the training to which we have adverted can only be obtained in an extensively organized force. In narrow districts, the fatal or more serious events occur but seldom, and when they do occur, excite alarm and confusion. Ordinary individuals are more or less deprived of their presence of mind, and their power of acting efficiently by the sight of unforeseen calamities or accidents of dangerous violence. In proportion to the extent and populousness of a district, such events, and what are called accidents, occur with the degree of frequency and certainty to form classes and to admit of insurance rules, and preparations to meet them. In extensive districts, under systematized communication of the events which occur, the knowledge of each individual officer is proportioned to the extent of the force. Being familiarized to occurrences which are to others extraordinary, he is prepared to act with coolness under cir-

cumstances of danger, and in new emergencies. It is in a great measure from such circumstances that many men of very inferior education, who have been trained in the Metropolitan Police, have been enabled to act in distant districts with so much efficiency as to excite the admiration of persons of superior condition in life.

§ 233. We believe that a trained constabulary may be made to render highly important service in the prevention of infractions of the laws of the excise and of the customs.

Under existing arrangements, when an officer of police meets a person carrying goods under suspicious circumstances, and searches him, and finds no reason to suspect the goods to be stolen, he frequently allows him to depart, although he may have found good reason to suspect that they have been smuggled. The like cases occur to the excise or customs' officers in respect to goods which have been stolen. But a police force or constabulary being more numerous, being compelled to watch or patrol districts night and day, and being in general better appointed, are as we consider frequently more eligible for the purpose of prevention. They may also be made to act as a most important check on the officers of the customs or the excise. This opinion is sustained by the evidence of the most experienced witnesses.

Mr. Whitty, the high constable of Liverpool, examined:—

With regard to the prevention of smuggling, we are informed by the other officers connected with the police, that they frequently do prevent smuggling, and would be able to prevent it much more extensively if they were empowered to do so?—It has often struck me as the greatest anomaly, that the Excise and Customs, wishing to detect and prevent smuggling and illicit distillation, have taken the worst means in the world of doing it. I have often gone into a place in pursuit of thieves and found a still at work, and I could not act; all had disappeared before I could get an Excise officer. That has often occurred within my own knowledge. The quantity of illicit distillation in this town is very great indeed, and the smuggling too. We cannot take up the goods as smuggled, but we are obliged to take up the smuggler on suspicion of felony.

Mr. Dowling, the Commissioner of the Liverpool Police, was examined on this topic:—

Since the prevention of depredation would imply, as you state, in the case of the docks and other places such frequent search, and other means of prevention of depredation, might not the police be also used for the protection of the revenue?—Yes, to a certain extent, and so they now are here. I took considerable pains when the Commissioners of Customs came here to endeavour to obtain for myself and the superior officers of the dock police custom-house warrants in order to enable us to act as custom-house officers: for, in 99 cases out of 100, where smuggling is detected, it is by the police, although the custom-house officers about the docks are much more numerous than the police officers; they have sometimes as many as 500 men employed. The system is bad; they are suffered to eat and drink as much as they like on board the vessels at the expense of the captains or owners, and

an advantage is taken while they are doing that to make them drunk, or while they are feeding smuggling takes place. The way we have done it until a recent Act of Parliament was this:—When a person was found with a quantity of tobacco in his possession walking along the docks he was locked up on suspicion of his having stolen it. If the evidence proved that he had not stolen it, but that it was his own and that he had smuggled it, the magistrate had no power but to dismiss the man and send the article to the Customs. I pointed out to the Commissioners of Customs that it was a very objectionable mode of doing it, because, although we often knew that the party had not stolen it, yet we had no other mode of dealing with him. Under the present Act of Parliament we have authority to confine and take such person before a magistrate, who is authorized to fine or imprison the party having it in his possession when it does not exceed a given quantity. If it exceeds that we apply to the solicitor of the Customs, who appears and prosecutes, or not, as he thinks proper. That the police could do this is proved by the fact that they do do it and very effectively.

Then you can state most positively that a great proportion of the detections of smuggling are made, not by the Customs, but by the police? —Yes, most positively.

From your experience, supposing a general constabulary were appointed, do you think that it would contribute to save much to the revenue by the prevention of smuggling?—I have no doubt of it, and that, in fact, the police of the district would and ought to be in that respect a preventive service.

Mr. Thomas, the deputy constable of Manchester, gives similar testimony, and states, on the authority of persons engaged in the trade, that illicit distillation is carried on in that town at a loss of 50,000*l.* per annum to the revenue, which loss might be greatly diminished by a more efficient police.

Mr. Burgess states—

An officer of police gets information of illicit stills or infractions of revenue much more readily than excise-officers, thrice as readily, because he comes so much more in contact with the persons who can give him the information. But when a police-officer gets the information and seizes the still, and in fact has done the work, he must hand over everything to the excise-officers, who obtain the penalties. Hence there is much jealousy; and I have known police-officers who have known of the existence of illicit stills and have let them work on, rather than take any proceedings about them. I believe there is a great deal of illicit distillation in the provincial towns in consequence of this state of things. It is understood that the Excise encourage no information that does not come from their own officers.

The magistrates of the division of Loughborough West, in the North Riding of York, state—

There are obscure places on the borders of the division which afford a facility to the distillation of illicit spirits, and persons engaged in those pursuits become a dishonest set of men, and embrace habits of gaining a livelihood by dishonest means, such as poaching and petty

thefts, which in this thinly-populated district is carried on to a considerable extent without detection.

In the course of an examination on the subject of the occurrence of shipwrecks, Mr. Tyrrell, one of the Liverpool police, was asked—

Are the custom-house officers numerous enough on the coast to be useful?—They are not of any use whatever, or very little use. They have been there so many years they have got intermarried with the villagers; they are all one family; and do not act, or very little, without the police officers are there. But they dare not then stand by and see anything going on for fear of being represented.

§ 234. On the like grounds to those stated respecting the preventive service, which might be rendered in aid of the excise officers, by a trained constabulary, we believe that such a force might render still more powerful preventive service in aid of the coast-guard, or the officers of the customs.

Under the existing arrangements, the risks incurred by smugglers are in the "run" through the attenuated line of the coast-guard. That line cleared, they may commonly proceed through the country with little danger of interruption from the revenue officers, absolutely none from any interruption spontaneously offered by the constabulary or by any watch. Officers of the coast-guard have represented to us that their objects would be greatly promoted by the aid of a police force, by covering the line of guard more closely, and by pursuit when a "run" through it succeeds, as well as by otherwise furnishing a watch, and increased chances of detection throughout the country.

§ 235. The chief grounds for this conclusion are set forth in the following examination of an officer possessing the best information on the subject.

Captain William Bowles, R. N., Comptroller-General of the Coast Guard, &c., examined—

In the superintendence of the coast guard, have you ever seen reason to believe that that force would be aided and the revenue protected if there were an efficient constabulary, whose attention was directed to the detection of smuggling, after a landing had been effected?—There can be no doubt that the revenue would be materially assisted by an additional force of the sort, because all that is successfully landed is brought into large towns, and disposed of there to distillers, &c.

We apprehend that, with the utmost vigilance and fidelity on the part of the guard, and with its best discretion, successful landings will take place?—Certainly.

To what extent you are probably not aware?—It is impossible to speak with any accuracy on this point.

Are you aware of the market price or premiums on smuggling transactions?—I know they insure; but the rate varies much.

If beyond the line of guard there were placed an efficient constabulary, directed to the prevention of smuggling, of course the smuggler's risks would be greatly increased?—Certainly.

Did you ever happen to hear whether any of the present parish constables have been of service in repressing smuggling, or in giving information to your officers?—Never; they would rather aid the smuggler.

It is stated in communications to us that important service has been rendered by the officers of the coast guard in preventing loss of life and of property in cases of shipwreck; but on some occasions they are too weak to resist the gangs of plunderers that come down the coast. On these occasions would it not be of service that they should have on demand the aid of a constabulary force?—Of course it would, because our men are not, along the whole coast, more than one to a mile, and when a wreck takes place, eight or ten are as many as can attend.

On the occurrence of stormy weather on coast liable to wrecks, would it be practicable by signals to gain the attention of the constabulary in the interior?—It might be done by signal or message, as the case might require, according to the locality of the place.

And so likewise on the occurrence of any suspected runs?—Equally.

When landings have taken place you generally find traces of the smugglers?—Yes; very frequently. They seldom take the common roads, but might often be followed up by the constabulary.

Does smuggling go on during storms?—Often in very bad weather, but not in the worst.

Supposing a constabulary force appointed, would there not be a further chance of suspicion and detection on the gathering of the people in the interior to make a run?—There would, with an intelligent force. The general practice of the smugglers is to assemble gradually in a wood, or some spot remote from observation, about dusk, and there wait till a signal given, when they rush down to the beach.

If the police were established, in such a proportion as two to every three parishes, they would know what was going forward, and give aid both by information precedent, and by vigilance in detection subsequent, to the landing?—As goods successfully landed are generally carried, in the first instance, to a wood, or some similar place of concealment, and hid there until proper arrangements are made, the constabulary might frequently obtain information of and seize them under such circumstances, and the knowledge of this risk would operate as an additional discouragement to those engaged in the contraband trade. They know that now, the risk is only in the last point.

And on occasions where force is resorted to you think that if there were a police on the look out, and with the aid of special constables, you could succeed against the gangs?—There is no doubt that if the constabulary obtained previous intelligence of the smugglers' intentions they might afford most material assistance, either by information to the coast guard or actual co-operation when any large gangs or fighting parties were assembled.

§ 236. We find that the principle of action which we have set forth as to the combination of the functions of officers of the Excise or Customs with those of the paid constabulary has already

been recognised by the Commissioners of Excise Inquiry for the United Kingdom. The Commissioners represent that the distinct police maintained in Ireland at a great expense for the protection of the revenue is a failure, and recommend its abolition. They at the same time recommend that the functions of excise or customs officers should be conferred on the Irish constabulary. The terms of the Commissioners' recommendation, *mutatis mutandis*, might, we think, be applied to the proposed constabulary in England. We may preface the following extract with the statement of the fact, that in one district, where we directed inquiries, we found that some of the farmers expressed a desire to have the occasional aid of a police or constabulary from the adjacent towns, but declared their strong repugnance to the appointment of any force in which men would be employed to watch and "pry about the villages where they were not wanted." On further examination there appeared good reason for suspecting that much corn was illegally malted in the particular neighbourhood where these sentiments were expressed by the farmers.

"When we take into consideration," say the Commissioners, "the large portion of the revenue which is thus actually lost, and at the same time the serious injury which is thus permitted to be inflicted on the legal maltster of that country, we apprehend there can be no hesitation in making use of all the means which may be made available for the prevention of this loss and injury. The constabulary force, from their general dispersion through the country, and their extensive local information, appear to be peculiarly well adapted for such a service; and there can be no doubt that their employment, in co-operation with the officers of Excise, under an efficient system of combined direction, would lead to the detection and punishment of offenders to such an extent as to give an immediate and general check to the illicit traffic, whilst the fair trader would receive the protection to which he is entitled. We have also strong grounds for believing that, by such an application of the constabulary force, the general advantage to the revenue, as well by securing the payment of a large portion of the malt duty now actually lost, as by saving the heavy annual expense of maintaining the revenue police, would prove to be no less on the whole than an addition of from £100,000 to £200,000 a-year."—Twentieth Report.

§ 237. The proposition for the gain of power by the combination of the functions does not rest on mere conjecture, or on the single instance of a trial stated by Mr. Dowling. It appears from the evidence of Mr. Symons, the chief clerk to the magistrates at the Thames Police Office, that—

Previous to 1809, goods seized by virtue of the Bumboat Act were advertised and sold as directed by that Act; but, to prevent such as had been illegally unshipped from being brought into use without payment of duty, the 49th Geo. III., c. 65, s. 7, directed police officers to take all such goods to the custom-house. When taken to the warehouse of the Crown, they were *re-seized* by officers of Customs, who claimed and received the officers' share of the produce, and tendered to the

police officers, who had incurred all the risk and trouble of seizing, only *one-third* of such share. This was objected to by the Thames police officers; and after a case had been submitted to the Attorney and Solicitor-General, and some correspondence had passed between the Home Department and the Treasury, it was ordered that the entire amount of the officers' share should be paid over to them. They continued to seize such smuggled goods as fell in their way up to the year 1833, without being able to act efficiently by detaining offenders, and very few parties were prosecuted to conviction; but, since that period, they have acted in the double capacity of police and revenue officers with great advantage to the public. A weekly report is made out by the principal surveyor, according to a form settled by the Commissioners of Customs, of the detections during the week, with the particulars and result in each case, which is forwarded to the Commissioners.

Do you see any obstacles to the extension of the like arrangement to any paid constabulary force that may elsewhere be established?—No. If a constabulary force were in existence, and armed with similar powers, some superintending officer of that force might be put in communication with the collector of customs at the nearest out-port, or with the Customs department in London, in order that the Commissioners might receive similar reports. Previous to the year 1833, there were comparatively very few detections in revenue cases, *i. e.* in cases of smuggling. By reference to a book containing a list of penalties paid at different periods for offences under the laws of Customs, I find that during 12 months, from March, 1828, to April, 1829, there were 14 penalties. I conclude there were but 14 cases prosecuted to conviction during that period. Having received very short notice, I am not prepared with the number of such penalties recovered annually between 1829 and 1833; but I may safely say it would be found far under 50. I find the number of penalties paid by me to the Customs, in 1834, was 161 (that of 1828 being 14); in 1835, 107; 1836, 158; 1837, 251; and in 1838, 271. With regard to 1837 and 1838, I can tell you the proportion of seizures made by officers of Customs and by Thames police surveyors. In 1837, about one-third of the 261 were made by officers of Customs, and about two-thirds by Thames police surveyors. In 1838, about one-fourth by officers of Customs, and three-fourths by Thames police surveyors.

What are the numbers of Excise and Customs officers acting within the district in which the Thames police officers act?—The number of Thames police surveyors, with deputations, is 23. The officers of Customs are of several classes, from inspectors of the river downwards to tide-surveyors and tide-waiters. Of the last there is a very large body. They are put on board ships arriving at Gravesend, and remain until the cargo is discharged, and also sometimes on board those loading outwards.

Have you ever had reason to observe whether this power of search for smuggled goods has been of any assistance in the general duties of police officers, in the prevention of theft and detection of stolen property?—I cannot say that the Thames police officers have derived assistance in their general duties from the additional powers given to them for the prevention of smuggling, because their powers of search

and seizure, under the Bumboat and Police Acts, are so large as to render further powers unnecessary with reference to the prevention or detection of felonies; but I am sure that the exercise of their functions as police officers gives them the means of acting most efficiently as officers of Customs or Excise; and the public benefit derived from the union of functions is not to be estimated merely upon the number of detections made by the surveyors, for their activity has stimulated the officers of Customs to greater vigilance, and made it dangerous for them to be negligent.

Number of Men and Expense requisite for an efficient Constabulary Force.

The next topics on which it may be convenient that we should submit the information we have obtained are, as to the number and expense of the paid constabulary requisite for the attainment of general security in the enjoyment of the rights of property, and personal security of freedom.

§ 238. The most able officers who have the superintendence of the police in the towns where a police has been newly appointed, have stated, as we have seen, that in consequence of the unprotected state of the vicinity of the towns, and also in consequence of the want of combined action with other towns, and the impunity thereby given to depredators, they are compelled to maintain a stronger force in those towns than would otherwise be necessary. But by a system of extensively combined action, the same objects in the prevention of crime may be obtained with a less numerous force than by separate action in independent localities.

§ 239. The efficiency of an organized force may to some degree be increased as regards migratory depredators, in proportion to the extent of district which is guarded. We have shown that the effect produced by watching moderately well a place amidst a district where there is no watch at all cannot be taken as a criterion of the effects which would ensue with respect to the migratory classes of depredators, when all districts are equally well guarded. We, however, confine this last observation to the case of districts all watched separately, for a general and combined system would bring with it increased powers of obtaining extensive and rapid information and community of action, that would more than countervail the increased exertions of those classes to continue their accustomed habits.

§ 240. We are satisfied that after the gangs of habitual depredators have been driven into honest courses, as it is proved they may be, and the influx of juvenile depredators has been stopped, by measures which have been shown to be productive of that effect, a much smaller force will suffice than would be needful at the outset, for the prevention of ordinary delinquency.

§ 241. Another circumstance to be taken in account in any estimate of the force requisite for the attainment of the objects in

view, is the degree of its training. Instances have occurred where about 30 or 40 trained men have accomplished more than a force of upwards of 100 untrained and unpaid constables. It may be stated confidently, that either for the preservation of the peace on ordinary occasions, or for the repression of disturbances by riotous assemblages, a trained force of at least one-half less than an untrained force will be found adequate.

§ 242. We have been unable either to frame any uniform scheme of a force, or to submit, with confidence in its *exactness*, any estimate of its number or expense that would not in some places be liable to the charge of excess and in other places to a just charge of deficiency. A close approximation could only be obtained by a survey of a large proportion of the kingdom, which we have not had the means to undertake; neither do we think it necessary. We are assured it is only on actual trial that the varying force requisite for different districts could be ascertained. We submit, as an approximation, the following estimate of the forces requisite for three counties :—

ESTIMATE of the Expense of a Constabulary Force for the COUNTY of BEDFORD for one Year, at the same Rate of Payment as for the Metropolitan Police.

		£.	s.	d.		£.	s.	d.
1 superintendent,	at	200	0	0	per annum	200	0	0
5 serjeants,	„	1	2	6	per week	292	10	0
69 constables,	„	0	19	0	per week	3,408	12	0
Clothing of 74 men	„	5	16	5	per annum	430	14	10
						£4,331	16	10

1 man to 4,000 acres and 1,273 persons.

ESTIMATE of a Constabulary Force for the COUNTY OF HERTFORD for one Year, at the same Rate as the Metropolitan Police.

		£.	s.	d.		£.	s.	d.
1 superintendent,	at	200	0	0	per annum	200	0	0
8 serjeants,	„	1	2	6	per week	468	0	0
80 constables,	„	0	19	0	per week	3,952	0	0
Clothing of 88 men	„	5	16	5	per annum	512	4	8
						£5,132	4	8

1 man to 4480 acres and 1610 persons.

ESTIMATE of the Expense for the COUNTY of CHESTER for one Year, at the same Rate of Payment as the Metropolitan Police.

		£.	s.	d.		£.	s.	d.
1 superintendent,	at	200	0	0	per annum	200	0	0
20 serjeants,	„	1	2	6	per week	1,170	0	0
120 constables,	„	0	19	0	per week	5,928	0	0
Clothing of 140 men	„	5	16	5	per annum	814	18	4
						£8,112	18	4

1 man to 4,800 acres and 2,370 persons.

§ 243. The average of the above three estimates for the counties of Hertford, Chester, and Bedford is one constable to 1,769 inhabitants, or one constable to 4,403 square acres. (This estimate is made on data obtained by the experience of the Metropolitan Police in various parts of the country.) Taking this as the basis of a calculation for England and Wales, the number of men required is, as compared with the population, 7,856 ; or, as compared with square acres, 8,482 men. The mean of these two calculations, 8,110 men, at £55 10*s.* each (the cost of Metropolitan Police constables), is £405,250 ; and if 10 per cent. is added for the expense of management and other charges, the estimate would be under 450,000*l.*: but this we consider a high estimate, even including charges for vans for conveyance and mounted men.

§ 244. The expense of the Irish constabulary force is 380,268*l.* for 8,263 men. On the same proportion of constables to the population, and at the same rate of payment, the expense of the force requisite for England and Wales would be 680,322*l.* But it appears to us that the Irish constabulary force is in its organization and action essentially inapplicable to England and Wales. It partakes more of the character of a military and repressive force, and is consequently required to act in greater numbers than the description of force which we consider the most applicable, as a preventive force, for the departments of our inquiry. We apprehend that, from the cheaper living in the rural districts, a somewhat lower pay might be given to the private constables ; whilst, from the increased responsibilities of the superior officers of the force in a distant county, where they would have to communicate with the magistrates, and would not have the advantage of the immediate communication with the Commissioners themselves, higher qualifications and payment would be required for the superintendents than in the metropolis. This would not, we conceive, materially alter the general estimate. The whole charges upon the counties for the establishment of an efficient constabulary force, if it be established for the whole kingdom, would not, on the estimate we have made, exceed three halfpence in the pound per annum, on the valuation of real property in 1815; that is, even supposing there should be no reduction of the present expenses.

§ 245. The economy of the entire constabulary force for England and Wales would be greatly increased by a disposable body of 300 or 400 additional men, kept ready for service on the occasion of popular commotions, but employed ordinarily in different counties as an additional but removeable force for the repression of obstinate mal-practices, or the extirpation of more numerous habitual depredators.

§ 246. Were we to take the whole expense of the proposed force as an entire addition to the present expenditure for the

preservation of the peace of the county, we should nevertheless be prepared to justify it, even on the narrow economical grounds of the increased value which it would confer on the property or residences within the district in which the proposed protection is conferred. But in many of the answers given to us strong remonstrances have been made against the question of expense being entertained as an obstacle to the performance of that which is deemed a primary duty from the government to the community. For instance, in answer to the question, "What proportion of the expenses, now incurred by the public in the apprehension and prosecution of offenders, do you conceive might be saved by the establishment of a more efficient preventive force?" the Reverend David Price, the curate of the parish of Steeple Claydon, in Bucks, observes:—

It is not easy to give a direct answer to this question. The word public unfortunately conveys no very definite idea. An offender may be punished (and generally is, when punished at all) at the expense of three or more different publics. He may be apprehended at the cost of the prosecutor, and prosecutors in the aggregate may be called a public; he is sometimes conveyed to gaol at the expense of that public which is composed of the rate-payers of a parish; he is maintained there by the public, of which the constituents are all the rate-payers in a county; and, if transported, his maintenance is defrayed by the public formed of all the tax-payers of the kingdom.

It is hoped, however, that the object of this inquiry is not the saving of expense to the public (meaning the general public), but the best means of protecting it, in its individual members, from the aggressions of law-breakers. The misfortune is, that the public is generally (in practice at least) considered a distinct entity from the individuals composing it; and these are severally called upon, when robbed or injured, to perform the duty they owe the public, by incurring further loss and trouble in prosecuting the offender. But all duties are reciprocal. If individuals owe a duty to the public, the public also owes a duty to individuals, that of protecting them from injury, or righting them when wronged. The very expression of individuals owing a duty to the public, on these occasions, shows that the public is the party benefited; the public, therefore, should pay for the benefit. The *police* of any country, therefore, (which is, perhaps, the most important department of government, except the judicial, to which it is subservient,) can then only be perfect when provision is made that every individual in that country, when wronged, may be righted, or restored (if possible) to the state he was in before the wrong, without any expense to himself, further than the proportion which he is called upon to pay to the general expenses of the state. There is reason to hope that every honest and well-intentioned man throughout the country will ungrudgingly contribute whatever may be necessary for attaining so desirable an object as "actual security and the sense of security to person and property."

The guardian of the parish of Iver, in Bucks, states, in his answer, that—

An efficient system of police throughout the country would prevent those associations for midnight plunder which are formed during the day. The mere half-measure of a night patrol will not do. No doubt an objection will be made, and loudly by many, to the establishment of a police on the ground of expense; but when I consider what, probably, would be the general and ultimate consequences of such a measure, I advocate it on the ground that it will have a very beneficial moral effect on the peasantry, and so promote the permanent security of persons and property, and prevent a very considerable expense now incurred in the prosecution of criminals, and the subsequent support of their families. The proportion which the several parishes of this Union respectively pay towards what are called the establishment expenses, exceeds, perhaps, the parochial establishment expenses under the old system, and I should not be surprised if the enemies of the new system were to adduce the fact as an argument against its expediency; but let them look at the excellence of the machinery, as evidenced by its results, in not only reducing the poor-rates but still more in ameliorating the condition of the poor,—in making the workhouse an irksome abode for the able-bodied, but a commodious asylum for the destitute aged and infirm, and a school of industry for the young, inducing in them habits calculated to preserve them in after life from pauperism, and, by the blessing of God, from poverty. I doubt not that the results of a well-ordered system of police would be equally satisfactory.

The guardian of the parish of Ripple, in Kent, states,—

That if in nine cases out of ten no expenses are incurred, no proportion of saving can be assigned; but the little that is now expended would, in my opinion, be eventually saved by a more efficient preventive force, entirely in time rooting out the offenders, by, as I have said before, the certainty almost of being detected and convicted under a better system. The convictions are to the offences one to nine; remove the great expense (delay and trouble), and they will be nine convictions to ten offences, especially if assisted by an effective police. Give greater security to the person and property, and that greater security to the latter will, in its increased value, more than pay for the expenses of a police. The combination among the machine breakers, and the fearful deeds of the incendiaries (not one in ten found out), reduced agricultural property by a far greater per centage than would have paid any police which we shall ever require.

§ 247. That which the proportion of inhabitants of particular districts who have voluntarily subscribed for the maintenance of a trained force have found it worth while to pay, we may venture to assume would, after due experience of the benefits, be paid cheerfully by the whole of the people amongst whom the tax might be divided. There would, nevertheless, be considerable saving,—saving in the ultimate diminution of prosecutions, which has, in some particular districts, been considerable,—saving of the minor administrative expenses, such as the expenses already specified of the service of process;—and to the government there would be the saving from the increased protection of the revenue. The saving to individuals from the

prevention of depredation, though that does not admit of direct proof, it may confidently be stated would greatly exceed the direct amount of any tax which could be needful for the most efficient police.

Thus it appears that the burthen of criminal commitments in the county of Chester is, on an average, upwards of 1200 per annum. One of the results obtained from inquiry into the extent of the career of upwards of 100 habitual depredators, who happened to be confined in the gaol of Knutsford, was that they had, on the average, been then at large upwards of five years. If, as appeared probable, the then imprisonment was only an arrest midway in their career, the average chances of impunity of each delinquent being no less than ten years, the number of depredators at large to maintain such an annual supply to the gaol could not be less than 1000. But if we confine ourselves to the strict proof of the career of five years' duration, and suppose that in each case it would be terminated by the then imprisonment, then such an annual supply of prisoners, of upwards of 100, to this one gaol could only be kept up from a body of at least 500 depredators at large. To suppress the depredations of this number of depredators, the amount of force proposed to be applied in the first instance is 120 constables, 20 serjeants, and one inspector. If they obtain the extent of success which has been obtained in particular instances, they would immediately put an end to the career of the greater number, or drive them from subsistence by depredation into courses of subsistence by means of productive industry. If we suppose that each depredator lives at a cost of only 10*s.* a-week, instead of living riotously and expensively, he must plunder produce of at least double the value, or 20*s.* per week to obtain the 10*s.* The first loss to the county from depredations would be under-estimated at 25,000*l.* per annum, which would be saved by the proposed expenditure of about one-third the amount for an efficient constabulary force. It may be stated confidently, that for every trained constable efficiently directed, the amount of plunder requisite to maintain several habitual depredators will be saved to those who pay the tax. Each person living by plunder costs much more to the community than a paid constable. Setting aside the consideration of the numbers who live partially by depredation, it were, perhaps, an estimate far below the truth to suppose that the annual average of upwards of 100,000 criminal commitments to the gaols must be maintained from a body of upwards of 40,000 persons living wholly by depredation. To meet this body, whatever may be its actual amount, we propose the appointment of a trained force of 8000 men.

Another source of relief to a large class of the community would consist in the saving of time and the prevention of

the interruptions of the profitable occupations of the several thousands of persons who are annually forced into almost useless service as constables, and of the money of all those who are taxed to provide substitutes.

§ 248. We consider that we are justified in the anticipation of considerable ultimate reduction in the several following heads of expenditure for the administration of criminal justice, and the preservation of the peace of the country, which are set forth as follows:—

ACCOUNT of the principal Charges connected with the Prevention, Detection, and Punishment of Crime in England and Wales.

Expenditure from the County Rates in the year 1834.—(*Extracted from the Report of the Commissioners on County Rates.*)

	£.	£.
Gaols, houses of correction, &c., and maintenance of prisoners, &c.	222,786	
Conveyance of prisoners before trial	31,029	
Conveyance of transports	10,369	
Vagrants, apprehending and conveying	7,621	
Prosecutions	131,416	
Constables, high and special	14,007	
Coroners	15,648	
From County Rates		432,876
Deducting £80,000, the amount paid out of the Consolidated Fund, as stated below, there remains		352,876

Sums voted from the Consolidated Fund.—(*Extracted from the Appropriation Act of* 1838.)

	£.	£.
Convicts—Conveyance to New South Wales	66,330	
,, Maintenance at New South Wales and Van Diemen's Land	235,000	
,, Maintenance at home and at Bermuda	46,690	
Prisons, &c.—Parkhurst, Isle of Wight	14,000	
,, Penitentiary, Millbank	6,000	
,, Criminal lunatics, Bethlem	3,073	
,, Refuge for the Destitute	3,000	
,, Inspectors of Prisons	6,000	
,, In aid of expenses for prosecutions and the removal of transports	80,000	
Amount voted		460,093
Police of the metropolis, including the magistrates' officers, paid partly from the Consolidated Fund and partly by rates levied on the district		260,000
To the above sums must be added the expenses charged upon the funds of the municipal boroughs:		
Charge for prosecutions annually, from the estimate of the County Rate Commissioners	20,000	
Expenses of police, from Returns received from 154 boroughs by this Commission	70,113	
Amount from borough funds		100,113
Amount from the city of London corporation police		40,000
		£1,213,082

§ 249. This return does not include the expense of the troops of the line employed as a police in the manufacturing districts, or in various other parts of the country, nor of the volunteer corps; neither does it include the expenses of

above 500 voluntary associations for self-protection, under the name of Associations for the Prosecution of Felons, and for the offer of rewards for the discovery of offenders; nor any of the expenses of the various descriptions of voluntary associations for the performance of the proper business of a police, such as the Mendicity Associations; nor the expenses of watchmen paid by private individuals for their self-protection, which description of watchmen are frequently more numerous than the men of any force maintained within the locality; nor does it include the police employed by various public companies,—such as the Dock Companies, or the new Railroad Companies; nor the expenses of prosecution to private individuals, and the attendances of witnesses, beyond what are paid for by the public. If we had the means of ascertaining the expenditure from such sources, it would probably be found that an estimate of two millions would be below the actual amount of money paid (independently of the salaries of the judges and the expenses of the judicial establishments) for the repression of crime in England and Wales. We believe that the amount of money voluntarily paid by the subscribers to various voluntary associations and by private individuals for watchmen for self-protection would go far to maintain an efficient combined force, by which protection would be rendered with a degree of efficiency hitherto experienced only in such instances as those we have cited. We would direct attention to the small proportion of the stated charges expended on the business of prevention. Viewing this large expenditure for penal administration, we should feel deeply the responsibility of recommending any actual addition to it. A close analysis of the several heads of the present expenditure would be beyond our province. On some of the heads we might show that the expenditure is worse than useless; on the direct penal expenditure we can express a confident opinion, that so long as the chances of impunity are numerous, and the career of a depredator lucrative, a still greater sum might be expended in the present mode without effecting any diminution of the extent of crime. Much of the heavy local expenditure (such, for instance, as the heavy charges of constables for the conveyance of prisoners) might be reduced by the application of general and systematized management. It has been proved, for instance, (Parl. Rep. Sess. 1834,) that the expenditure in the City of London for police may be reduced one-half by the substitution of a more general and efficient system; and even in some of the new boroughs, where new and comparatively efficient arrangements have been adopted, increased efficiency may be obtained, a reduction of one-third of the expense may be made by systematized and extended arrangements. Hitherto a large proportion of the expense incurred for payments to

high constables is for expense of collecting separately from each parish, and making journeys to the county treasurers to pay the contributions to the county rates. By making the payments by cheque from the Union treasurer to the county treasurer, the whole of the constable's expenses, or a sum of about £10,000 per annum, may be saved (Parl. Paper, No. 539, Sess. 1837-8). In some of the borough gaols the expense of maintaining the prisoners is as high as 6*s.*, 7*s.*, and even 8*s.* per head per week. In some of the county gaols the expense of maintaining the prisoners is upwards of 3*s.* 6*d.* per head per week. In the Salford and Knutsford gaols the prisoners are maintained in higher health upon a simple but nutritious diet, at a cost varying with the price of provisions, from 1*s.* 3*d.* to 1*s.* 6*d.* per week. If all the prison dietaries were put on the same scale, a saving of from £60,000 to £80,000 per annum might be made in the maintenance of prisoners alone. Thus even on the three heads of expenditure which have been brought within our notice, a saving might be effected sufficient to defray the expense of a paid constabulary, which would nearly accomplish the suppression of vagrancy, mendicity, and habitual depredation, and would maintain such peace and good order as never heretofore perhaps has been experienced in sixteen or eighteen important English agricultural counties; or in the whole of Wales and eight or ten English agricultural counties besides.

§ 250. The testimony of competent witnesses makes it probable that the protection of the Customs and the Excise duties by an efficient constabulary would be such as to justify the contribution of a portion of the expenses of the force from the Consolidated Fund. Bearing in mind also the other heads of general expenditure, in which we may expect a reduction from the action of a trained constabulary, we recommend that at least one-fourth of the expense be defrayed by the general Government.

Appointment of a Constabulary Force.

The next subject on which it becomes our duty to report is the mode in which the force should be appointed.

On this topic it would be sufficient for us simply to submit, as our recommendations, the conclusions indicated by what we deem an impartial examination of all the existing experience on the subject.

§ 251. We have seen, that in the instances of successful trials of a paid constabulary by the magistrates in rural districts, they have given up any choice of individuals, and have, in effect, delegated the selection of the most fitting persons to

the Commissioners of the Metropolitan Police. The magistrates have usually done this to obtain the advantages of trained men, of men who are unconnected with their district, and removable. To the degree to which these essentials have been absent, almost every instance of the trial of a paid constabulary in the rural districts has been a failure. And it will be equally so with any extended untrained force.

§ 252. Good training can only be obtained in a systematically organized and extensive force, such as that in the metropolis; or in a force such as that requisite for the larger cities or towns, as Bristol, Liverpool, Manchester, or Birmingham. But at present, the only available trained force is the Metropolitan Police. It is found that, with all the advantages supplied by the superintendence and settled routines of a large force, a private constable rarely becomes competent to the performance of the general duties of a constable with less than six months' training. He is not deemed qualified as an officer until he has carried one or more cases through all the stages, until finally disposed of by a court of justice. It is only when he obtains some general knowledge of the nature of legal evidence, and especially of circumstantial evidence, that his attention is directed to the proper points, or that he can be considered properly cautioned against rash, arbitrary, or vexatious interferences with the subject. The greater proportion of such complaints of neglect of duty as are made against the police, usually prove to be complaints for refusing to do what the law does not permit to be done. We shall show that it is not from the large force which can only act conveniently on general rules, or safely on rules which are sound in law, but from petty untrained establishments that there are actual infractions of the liberty of the subject. But the amount of training requisite for an efficient force must be estimated rather by what is requisite for the superior officers who direct it, than by that which suffices for the constable. The standard of qualification for the post of a serjeant of police is rarely obtained, even with fair opportunities of obtaining knowledge and experience, in less than twelve months' service. And in compliance with an early regulation, instituted by Sir Robert Peel, no one is admitted as qualified for the office of inspector or superintendent who has not been trained by actual service in each subordinate rank. In the organisation of a trained force for the rural districts, this rule would probably be modified.

§ 253. In the answers we have received from several petty sessions divisions, it is suggested as a question of difficulty in whose hands the "patronage" of the force should be placed.

The objection implies that the emoluments attached to the office of police constable would be beyond the service rendered,

and that the appointment would be given away as a favour, whereas the difficulty will be to obtain fitting persons to render the service at the price which could be given for it. If the trust of making the proper appointments be correctly executed, there will be much difficulty in obtaining (at the price the Legislature may be willing to sanction) persons who are properly qualified. For less than the usual pay of a police constable the physical qualifications may, we have no doubt, be obtained; but unhappily the intellectual and moral qualifications—a sound understanding for the exercise of discretion under difficult circumstances, in a manner with which neither the magistrate nor the judge can find any just fault, habitual vigilance, firmness to act promptly and efficiently, coolness in action under strong provocation, perfect sobriety and invincible integrity under daily temptations, are combined qualifications which are not always to be found in candidates, but are carefully to be sought for at wages of twenty shillings per week.

§ 254. The following return of the proportions of dismissals and resignations from the Metropolitan Police Force, will afford a conception of the extent of the difficulty in obtaining, in the existing state of the labour market, persons of the proper qualifications to perform arduous services at the present rate of remuneration.

	Superintendents.	Inspectors.	Serjeants.	Private Constables.
The establishment of the Metropolitan Police, when completed in May, 1830, consisted of	17	67	318	2,896
Of this number, who joined previous to the 1st of June, 1830, there remained serving at the end of the year 1838 . The greater part of the superintendents, inspectors, and sergeants were, in May, 1830, serving in subordinate grades.	16	57	162	352
Dismissals up to 31st December, 1838 .	1	16	..	4,858
Resignations	11	78	..	6,046
Deaths	7	5	35	239
N.B. In the dimissals and resignations the sergeants and constables have been included in the total.				

A return of the causes of the resignations from the force during two years, will indicate the average operation of various causes in producing the total amount of six thousand resignations.

Years.	Reported for Misconduct.		Obtained other Situations.		On account of Ill-health.		To return to their former employ.	Total.
	Resigned rather than appear.	Appeared and allowed to resign.	By their own application.	Recommended by Commissioners.	By their own account.	Returned unfit by the Surgeon.		
1837	127	198	184	65	73	57	72	776
1838	100	208	157	73	69	32	75	714

§ 255. In this dearth of qualifications, a favour is conferred on the Commissioners by sending to them proper persons. To the degree to which favour or patronage is gained by the appointments of men or officers to the service, in the present state of the labour market, unfitness must be promoted at the public expense. Where there happen to be candidates whose qualifications are equal, then the favour to be gained by the preference of one to another, if gain there be, should be gained to the public service by giving the choice to the superior officer, who being responsible for the direction of the force, and having the best knowledge for his guidance, has the strongest interest in making pure appointments. Although by the terms of the statute which authorized the formation of the new police, the whole of the appointments were vested in the Secretary of State for the Home Department, yet we are assured that there is no instance in which any Minister has made an appointment, except on the recommendation of the Commissioners, who are responsible for the management of the force. The same principle, i. e. that to those on whom responsibility is imposed shall all subordinate appointments be given,—has been adopted by the Legislature in the new administrative machinery for executing the Poor Law Amendment and the Tithe Acts. Hitherto the appointment of the constabulary in England have been made by leet juries. In Ireland the new power of making the appointments or paid constables was given to the magistrates. This was found so far inconvenient that the magistrates themselves in several counties adopted the course that had been pursued by the supreme Executive, and gave the appointments to the responsible officers, or the police superintendents of their respective districts. The same course has been sanctioned by the Legislature in the latest Act for the regulation of the Irish constabulary. If the new power of

appointing the paid constables were conferred on the magistrates, they could only exercise "patronage" by making the appointments from personal, that is to say, from local connexions, a course which is condemned from every part of the country. If strangers were appointed, then the selection being given up to those who recommend the appointments, the power in question would be of no service for the purpose of patronage. Believing for various other reasons, some of which have already been submitted, and especially from what has been stated in the evidence on the subject of the expediency of keeping the judicial and executive functions separate, that such a power would tend to render the magistrates unpopular, and be otherwise injurious, we cannot but recommend that the principle that those who are made actually responsible for the performance of the constabulary duties, should, as in the instances stated, be allowed the choice of their subordinate agents.

§ 256. In arrangements for the management of the force, it appears to us that the great object is, as far as practicable, to combine with a general system, under the direction and responsibility of the supreme executive, a local supervision. The combination of central control with local management in the administration of the poor laws has evidently been attended with beneficial results to the community.

§ 257. The principle of organization and action of our superior courts of justice is essentially that of a central direction; and we are firmly convinced that no system of a constabulary in England, that is not based upon that principle which has been established in the case of the constabulary force of Ireland, can be efficient, or remain pure from much corruption, or obtain permanency.

§ 258. The extent of combined action of any systematized constabulary must bear relation to the extent of action of the persons whose habitual delinquency it is the main object to prevent. We have shown that a large proportion of the objects of coercion, whether depredators or vagrants, habitually migrate from one part of the kingdom to another, the metropolis and the larger towns being centres from which they issue out upon the surrounding country. The practices of these classes can only be met by combined arrangements extending along the main roads; by arrangements under which the force of several counties may be combined, or the constabulary of any one county directed to particular points in a manner in which there would be no sufficient reason for doing within the county itself. Effectual preventive measures for the protection of the rural districts of Cheshire, where it has been shown upwards of one-half the criminals in the gaols for the more serious offences were persons from places beyond the county, would

possibly be required to be taken from towns and places beyond the county, at Manchester or Liverpool, whence they issued in greatest numbers, or even at Birmingham or London; and so with other counties and the chief towns in relation to them. But it is futile to suppose that such measures would be voluntarily adopted by separate and independent authorities. Without a general direction, there can be no enlarged or complete system of training, no local changes of the force, no freedom from local connexion, no economical application of a very small but extensively moveable force to produce the effects of a larger body of constables spread over the country, and no probable reductions of the force simultaneously with any reduction of the demand for their services; no communication of information between district and district, and no long-continued independence of the animosities of local parties. Be it as it may with other of the public services, unity of action is as essential to the efficiency of a constabulary force, as it is to an army or a navy, or to a postage system; and, whatsoever declamation may now be applied to such management, the early constitutional principle of the administration of justice of the country, is that of a central control, and we believe every departure from it has been accompanied by a diminution of advantage to the public. We apply these observations equally to counties as to divisions of counties. By separate and independent management in counties there must be expense and comparative inconvenience and weakness, such as was attendant upon the management of a paid constabulary by separate parishes, which has been superseded in the metropolis, where the force maintained by several of the parishes was as great as that which would be requisite for many of the counties. We have seen that in the instances of the most successful trial of a paid force, the magistrates found it important that the appointments of the men should be made from beyond the county. Within the separate counties, with perhaps one or two partial exceptions, the requisite force would be inadequate for good training, and the district would be too narrow for the changes requisite to good management in other respects. Separate county establishments would not afford proper grades for promotion, or means for the obtainment of the most skilful direction at the least expense; neither would they admit of the reduction of the force, or, on occasions of emergency, its increase, to obtain proper efficiency with sufficient rapidity, and a due regard to economy. The experience of all separate and independent forces proves that each separate county force would be in a state of jealousy and conflict with the forces on its borders. It is equally established by experience that they would, in dealing with mendicancy or delinquency, wherever it was practicable, take that

which appears to be the easiest course, and shift as much as possible of the evil upon other districts, rather than prevent or repress it. Upon such rude organization, there would be 52 sets of forces, variously constituted, probably thwarting each other, and 52 conflicting modes of action, instead of one force acting upon one rule of action prescribed by the Parliament, or subject to its cognizance. Hence, any measures which do not tend to the establishment of one force, on one system, throughout the country, tend to comparative inefficiency, greater expense, certain disorder, and the aggravation of local animosities.

§ 259. On the other hand we feel perhaps more strongly than appears hitherto to have been felt or shown in any existing arrangements, that a constabulary force can only obtain complete success with the general support of the community. The efficiency of the action of any such force must depend upon the extent of its information, and it is deprived of the most extensive and valuable portion of the available information when it loses the confidence of the community in which it acts. This is shown in the extremely defective state in which we have found the information of public authorities as to the extent or nature of crime committed within their several districts. It appears to us to be essential that any paid constables should, so far as possible, without impeding their general action, be under the judicial supervision of the local magistrates, and under obligations to act promptly and respectfully in the execution of their particular orders. Though, for the reasons set forth, we consider it essential to the success of a constabulary force that they should be appointed from a trained force, yet we propose that the local magistrates should be empowered to dismiss or remove them. The constabulary should be bound to attend the magistrates at their quarter or petty sessions, and serve all process, and obey their instructions on the cases brought before them. In conformity with the practice which has prevailed in the instances where a paid force has been appointed, a serjeant or other officer of the force should attend each meeting of the magistrates, and submit to them, not only the "charge sheet" of the cases brought before them, but what is termed "an occurrence sheet," or in other words a presentment of the offences reported or of other events within their cognizance, and a statement of the proceedings that have been taken thereon. The magistrates would of course deal with the cases brought before them, and with the conduct of the constable, as might appear to be proper, and would otherwise make such observations on the points in the reports of occurrences to which they would direct the attention of the superintendent of the county, to whom the reports would be transmitted; and he would be responsible for making any needful provision, that might be suggested by the circum-

stances stated, or that might be required by the magistrate. It might be that the state of the district would require additional force; in which case the superintendent would send such force as might be disposable from another part of the county. It might be that the need of additional force from other divisions might press at the same time; in which case he would send to an adjacent county for any disposable force, or to the Commissioners in the metropolis as the case might require. So, if the state of the division or of the county should allow of a reduction of the force. On the occurrence of a pressing emergency, special constables pre-appointed by the magistrates would be called out by the superior officer on the spot, who would direct them until additional aid arrived or was rendered unnecessary. Under this organization arrangements would be made with distant districts for dealing with migrant depredators or vagrants, and warnings or directions be extensively communicated. The superintendent acting in the county would attend the magistrates at Quarter Sessions, and place before them the aggregate of the reports from the divisions, which they would check; he would also communicate with the lord-lieutenant or the sheriff, and visit any district where the presence of the chief officer might be required. He would also attend with an adequate force at the assizes, and instead of the escorts of men called javelin-men, the ministers of justice would be attended by an appropriate force, inspiring respect by its reality, its efficiency, and respectable bearing.

§ 260. In combination with such local arrangements, (allowances being made for the distance and for the increased discretionary authority of the superintendent in consequence of the increased distance,) the force in a county might be made to act on the same principle in respect to intercommunity of information, combined action, and subserviency to general rule, in relation to other counties and the kingdom at large, that one division of the Metropolitan Police acts in respect to another and to the whole force. Under this organization the magistrates would, we apprehend, derive considerable advantages in the performance of their duties.

§ 261. It has been said figuratively of the constitutional organization of the constables that they were the eyes of the Justices to see, through the medium of presentments, and their hands to act, by virtue of warrants or process. We may likewise say, it is proved that at present the eyes are almost blind and the hands powerless. But a trained constabulary force would act as new organs. They would restore and give efficiency to the constitutional function of presentments. The magistrates would regain the proper knowledge of the state of their districts, and they would also gain trustworthy aud certain

servers of their process. They would be relieved of what has been termed the "uphill work" of remedying the deficiencies of the unpaid and untrained constables. They would have the ordinary business brought before them in such a manner as to facilitate it greatly and save time. Witnesses and parties would be relieved from the annoyance and expense of the frequent adjournments and renewed attendances occasioned by the ignorance and blunders of the untrained constables as to the nature of the requisite evidence and the proper procedure. The sergeant, or superior officer of the force, would make suitable arrangements for bringing up cases to meet the conveniences of the magistrates; notices would be given to all parties to obtain their attendances at proper times; and hence the greater proportion of that vexation, which we find is the source of much complaint and of the frequent unpopularity of the magistrates themselves, would be saved to all parties. The duties of watch and ward, as they have heretofore been exclusively incumbent on the unpaid constables, so they should continue to be performed by the trained constables—for on an efficient system such business must have relation to districts greatly extended beyond counties.

From the evidence of actual trial we are assured that the relation of a trained constabulary force to the magistracy might, in the mode we propose, be placed on a highly improved and satisfactory footing to them and to the public.

§ 262. The advantages derivable by the magistrates from the services of an efficient force in the transaction of the magisterial business have already been stated in the communications of the magistrates who have experienced them. The advantages in question are advantages to the public, whose time and trouble is equally saved with the magistrate by the collection and proper arrangement of evidence, to avoid frequent troublesome and expensive examinations, as well as the escape of the offender. By the appointment of a force under good superintendence, not only would good "precognition" be taken, but such attention to the evidence as that we have described would abate much of the complaint which is the foundation of the application for the appointment of a public prosecutor. In the great majority of cases the evidence is so plain, that it appears to us the employment of professional services in small cases would be mere waste of the public money. The Commissioners of the Metropolitan Police may, upon application, obtain professional service to conduct prosecutions; but notwithstanding that counsel may now be employed to the full extent by prisoners in their defence, the Commissioners have only thought it necessary to apply for the aid of counsel in 16 cases out of 700. Out of 78 special cases,

in which the constable was prosecutor alone, it was found necessary to obtain the aid of counsel in six cases only. In the majority of cases the facts appear to be so far beyond perversion, that a large proportion of the criminal cases where professional aid is resorted to, the most respectable attorneys leave the management of this description of business to clerks, whose intelligence and competency cannot, we conceive, be placed above, if so high as, that of a properly trained superintendent of the police. On this subject we may revert to the experience derived from the Barnet Association, which was an association for the prosecution of offenders against the members of the association, as well as for guarding their persons and property. The secretary, Mr. Dimsdale, had stated—

The loss to a great many persons who have to give attendance upon the Old Bailey trials is very serious indeed. We find a very great unwillingness to prosecute, except through our association. Another good we do is, that the members of our association are not brought forward as prosecutors, and they are not marked to the relations of offenders in the neighbourhood. We tell them, "Never say that you are the prosecutor; remember it is the association which prosecutes, and that you are compelled to prosecute; that it is very unpleasant, but you must do it."

Might not a paid constabulary do the same?—Yes, take up a case entirely.

Do you think a high constable who was equivalent to a superintendent of police, supposing him to be a man of ordinary intelligence, would be able so to conduct a prosecution as to supersede the necessity of any public prosecutor in ordinary cases?—I do certainly. I would be bound that our superintendent, Pye, would conduct an ordinary case at quarter sessions quite as satisfactorily as the most able lawyer. He does, in fact, state shortly our cases before the magistrates, and call and examine his witnesses. It is absurd to suppose that, in plain cases, professional skill is requisite for the performance of such a duty.

Then all that would be wanted would be extra services at the assizes on special cases?—Yes.

Do you find counsel necessary very often in your cases?—Not at all in our ordinary cases.

Not even to examine a witness?—No, they have not time to be informed of the cases; they do not know them. The public must be put to the expense of writing out written instructions, or a brief; and, after all, the person informed in writing cannot know the case, nor what the witnesses can say, so well as the person who has examined them himself, and has become informed of the case upon the spot.

Then you think that the superintendent might be allowed to examine the witnesses and state the case ————?—I am quite sure he would do it very well; and the simple and unlearned way in which our superintendent does it sometimes is very effective, both to the magistrates and the jury.

Then your superintendent, Mr. Pye, does in fact do this?—Yes.

Do the magistrates allow him?—Yes; he arranges the evidence before they go to the quarter sessions, and so on. He says who is to be examined first, and how they are to go forward. "Now you are to go up." He keeps them together, and takes care that they do not get to drinking.

He does, in fact, what the attorney or the attorney's clerk ought to do?—Yes.

§ 263. The simple, yet satisfactory, mode in which cases have been brought forward by the trained force in the metropolis has been the subject of frequent praise by grand juries.

§ 264. The only cases which would remain unprovided for would be the more extraordinary cases, which are not provided for already by such public prosecutors as the Bank in cases of the forgery of the public securities, the solicitor of the Mint in the cases of making or uttering counterfeit coin, and the solicitors of other public bodies. It would not be difficult, we conceive, to provide for the residue extraordinary cases, and even for a supervision and occasional assistance in the more ordinary cases, without the introduction of any very expensive machinery for the purpose.

§ 265. Since it is proved that an efficient force would, to the extent of its efficiency, be of service to the magistrates; in order that the force may be efficient, we consider it essential, for this reason, in addition to others we have stated, that the appointments should be made from a trained force unconnected with the locality.

We have already set forth the practical grounds and nature of the distinction to be maintained between the judicial and the quasi judicial functions of the magistracy.

§ 266. We have set forth the grounds for subjecting a paid police to unity of action, or placing the local management in subordination to general rule. All satisfactory local service and local responsibility might, we are confident, be made consistent with the steady action and due subordination to the rules of a general force. This subordination to regulations made for the force throughout the country, though the proposal may be unpopular with many local managers of a constabulary, we propose as a means of obtaining the greatest amount of popular respect and co-operation. One circumstance essential to this end is, that the force should not only be, in fact, but be believed to be, impartial in action, and should act on principle.

§ 267. As respects the magistrates, the power conferred by a new force will be in itself considerable, and not only would any increase excite such jealousies as were excited in Cheshire, but would be exposed to considerable dangers of unpopularity from frequent misdirection consequent on over-zeal or the want

of experience. When proposing the grant of new administrative power to magistrates we have received from them frequent and urgent requests of caution against the investment of single magistrates with power liable to serious abuse, which single magistrate, when acting with one or more of the members of the same bench, might safely be trusted to act under their guidance. But unity or singleness of action is essential to the efficiency of such a force.

§ 268. Moreover, the state of the interests of a proportion of the magistrates in almost every county, would, in the exercise of new and uncontrolled power, be such as on the most prominent occasions lead to great irregularity of action and disturbance, occasioning unpopularity, and diminishing the influence of the whole body.

§ 269. We need only advert to the great class of questions arising between employers and labourers, and the hopelessness of expecting a feeling of reliance by the workmen on the force which is in the hands of their employers, or of their connexions, persons really of distinct interests on some of the most important questions in dispute, and who frequently admit the impropriety of being invested with duties which deeply concern their interests.

§ 270. From the answers we have received, we might exhibit deplorable evidence of the prevalence of deep-rooted party feeling as another disturbing element to be guarded against. In a large proportion of instances the fact of a local constabulary having been under the entire regulation of one local party we found had been sufficient to deprive it of the support of the opposite party, or of a large and influential portion of the community.

§ 217. Another element of actual disturbance, and of jealousy and distrust of uncontrolled local arrangements for the protection of property, arises from the known state of the interests and consequently suspected bias of those unskilful persons on whom, in the absence of proper provisions, such arrangements would naturally fall.

Complaints have been presented to us that in the regulations of paid local constables, maintained by subscription, the beats were so arranged as to make the men pass more frequently the property of the persons who framed the regulations. The property of these persons being the most important and exposed, the regulations were often such as would probably have been framed, with but little alteration, by the superintendent of the constabulary of a county, and such as when so framed would have excited no hostility. We have seen that in several parts of Cheshire the operation of the Constabulary Act was strongly opposed by the farmers on the ground that the paid constables,

for whose maintenance they were taxed, were merely game preservers for the magistrates or gentry who regulated them. We should be ready to maintain the expediency of giving protection to a fair extent to this as well as every other species of exposed property; but this, we are convinced, would be the best accomplished by arrangements made by responsible and disinterested officers.

§ 272. To these several causes of distrust and disturbance we must superadd local jealousies, as a cause of weakness, preventing the strength to be derived by combined action between the force of different districts on occasions where extraordinary aid may be required.

Whilst examining the means of repressing riotous disturbances which have taken place in one town without any aid being given from the paid constabulary force of an adjacent town, when we have suggested the practicability of obtaining the aid of the police belonging to the one to aid in protecting the other on extraordinary occasions, we have been assured that the local jealousies were effectual preventives of any such co-operation. The effects of these jealousies are observable in the great numbers of applications sent to the metropolis for aid, which might be more conveniently obtained from the paid constabulary established in the neighbouring towns. In answer to suggestions made from the officers of one of these towns, for an extension of the police of the town for the protection of the adjacent rural districts, on condition of contributions in aid of the expense, we are informed that the answer given by the farmers was, that they would prefer such aid from "headquarters," meaning from the metropolis or from the Government. We might cite, in illustration of this feeling, numerous instances, such as that of the treatment stated to have been received by the Liverpool police when they recently went into the county of Cheshire to protect property and lives shipwrecked during the severe general storm of January last. (§ 58, p. 60, s. 169.)

§ 273. To the specification of the several causes of local weakness, and disturbances arising from such sources, we must superadd, as an all-pervading local cause of mischief, the deficiency of the experience afforded by narrow districts, consequent on the casual attention which is obtainable to the public service, from whence arise imperfection, diversity, and contrariety of views, as to the sources of evil to be guarded against, and inaction, or excessive and conflicting action in pursuance of those views.

Thus it has been presented in evidence brought before us that some magistrates have ascribed, as a cause of mendicancy any vagrancy, if not of more serious crime, destitution arising from

causes which ordinary prudence or industry could avert. Acting upon this belief, neither vagrancy nor mendicancy are proceeded against by the constables, or, in other words, mendicancy and vagrancy, which are ascribed in extensive evidence as great sources of crime originating in culpable indolence, are fostered within the jurisdictions of those particular magistrates. We have found some magistrates so strongly possessed with peculiar views and feelings, actuating them to suppress entirely popular pleasures which others would change or regulate, that, if they were intrusted with the uncontrolled direction of a new force, we cannot doubt they would carry out their views with a determination which, if acted upon extensively, would lead to serious riots. Whilst some consider the infractions of the game laws as the exclusive sources of crime within the rural districts, others, who do not preserve game or sport, regard poaching as a venial offence, and will, by taking no measures upon it, almost license it; some magistrates view the infractions of the laws of the customs so far indulgently as to direct no measures against them. It has been avowed to us by magistrates that it never had been their habit to read either Acts of Parliament or law books. Consequently, as respects them, a great part of the proceedings of the legislature and of the courts of law are a nullity. We have found that proceedings have been sanctioned by the magistrates, which, whatever might be their efficiency, appeared to be entirely destitute of any legal authority for the detection or prevention of crime. All these proceedinge were in excess of pure public spirit, and with the best intention. In one district, for example, exposed to the offence of sheep stealing, on the occurrence of a theft the constables were directed to enter the cottages of all the labourers in a village before dinner-time, and examine the contents of all the pans on the fire, and ascertain whether they contained any of the stolen property. In the same locality the paid constables were directed to tap with their staves the pockets of all labourers or other persons found out after dark, in order that any pheasant's or partridge's eggs therein might be broken.

In conformity with the directions of the chief magistrate of one considerable town, the constable seized all vagrants found within his jurisdiction and took them to prison, where their heads were shaved, and they were then set at liberty. The superintendent of this police was asked—

What legal right have you to apprehend them and crop their hair?—The Mayor, who is a man of few words, says he crops them for cleanliness.

Do you think that system is effectual with the vagrants you get from the various districts?—Yes.

Then the town itself is very little infested?—Very little indeed—we do not in fact allow them to beg—I do not mean to say we have no beggars.

Before the Police was established, this town was infested both with vagrants and migratory depredators from other towns, was it not?—Yes, it was, and others used to go to a distance and commit robberies, and come here to spend their money and their time. At our races we have had 800 known thieves.

How have you dealt with them?—They dare not come near us now—I adopted the plan of apprehending them before the races, and keeping them in custody till the races were over.

What law had you for that?—I took that upon myself."

In several rural districts we have found the paid officers sanctioned in dispensing with warrants. In answer to the inquiry whether they were not aware of the illegality of such courses, the reply has been that they were, but they "chanced it." One officer stated that, having been subjected to an action and heavy costs by "a pettifogging attorney," the course he took was this. He sent "men of straw" to enter a house and make the unwarranted search, and if they succeeded gave him a signal, when he would enter himself and make the caption, relying on a conviction as an indemnity for the previous irregularity. The irregularities in the initiatory parts of the proceedings naturally formed motives to the commission of greater irregularities in the subsequent proceedings. The superintendent of the new police of one town was asked—

You are sometimes obliged to pursue without warrants, are you not?—I never wait for warrants—it is not my plan. It is a waste of time. The magistrate's clerk was rather particular about it, because, I believe, every warrant was something to him. I said they are things I do not know much about. I rarely act upon a thing that is not very clear. I am for being prompt in everything. I act first and take the responsibility afterwards. I say if I can take the man up with a warrant, I can take him up without a warrant.

Have any other means of prevention occurred to you as to guarding property and preventing its conversion into money after stolen, or for stopping stolen property?—I have a system in our town, I do not know whether legal or not, to visit the marine store-shops once a-week; that is a great source of annoyance to the marine store-dealers. A constable or sergeant goes and sees their books for the week. Some of them kept no books at all before, and never made any entry of property received. Since I have sent the men to examine the books, I believe and am satisfied that there are not those facilities given to young thieves as there were before. I mentioned publicly to the magistrates the system adopted by me, merely that they might hear from the newspapers that I was going to carry that on. Since that, they have books, and they are cautious who they buy of.

That course you have taken upon yourself, the regular inspection of the marine store-shops?—Yes.

Searching and looking into the books?—Yes; looking into their books, and looking at their property—whether legal or not, I take the risk of it.

These modes of proceedings were no doubt efficient, and might have been beneficial if they were legal. If such occurrences as those or the following came under the observation of a traveller in foreign nations, they might be cited as instances of the arbitrary character of the Government, and the oppressed condition of the people.

We cite one instance from the Report of the Prison Inspectors of the Northern Districts :—

The keeper of the Ipswich Borough Gaol states, she is a widow, aged sixty; her husband held the situation of keeper thirty-five years ago. Upon his death, in 1811, the Magistrates permitted her to succeed him. There is no established turnkey, but *she* employs one at her own expense, who boards and sleeps in the prison.

She stated, upon examination, that she was quite unaware that there were Acts of Parliament for the Regulation of Prisons. She had no instructions—no rules. That prisoners, in many instances, were brought to the prison without commitments from the Magistrates, and have lain four or five weeks, and have been discharged without any having been sent. I find the following recent cases among others in corroboration of what she advances.

John Catchpole was brought to the gaol, by the constable who apprehended him, on the 25th of November. On the back of the warrant for his apprehension is the following note:—"Receive John Catchpole, for want of sureties: the commitment shall be sent this afternoon." The constable came and took him away again on the 2nd December. No commitment was ever sent.

The imprisonment of debtors is carried on in a similar irregular manner. An individual was arrested and brought into prison seven days after the writ had been made returnable. When this man had been in gaol eight days, the following note, now appended to the writ, was sent by the town-clerk to the keeper, and the individual walked out of prison :—

"Mrs. ——, there is no cause for detaining ——, if he desires his discharge.

"25th Nov. 1835. —— ——."

One instance has been stated to us, and is noticed in the Report of the Municipal Corporation Commissioners with relation to the borough of Wenlock, where, from excessive confidence or carelessness, the most important legal forms were dispensed with, as, for example:—on one occasion (in 1833) the Magistrates, intending to sign for a Constable a blank warrant of apprehension, signed inadvertently a blank warrant of commitment. This warrant was kept by the Constable from June to the middle of August, when it was suddenly put in force upon two Bavarian broom-girls, without any act having been committed by the parties to justify their apprehension. "They were at once," say the Corporation Commissioners, "conveyed to the Shrewsbury gaol, where, had it not accidentally occurred that a stranger, a gentleman of the name of Walduck, who happened to be present at the gaol, was induced, from a feeling of pity towards them as foreigners, to inquire into their case, and, on learning what had taken place, to interest himself in their behalf, they must have remained until discharged in

course of law at the Michaelmas quarter sessions for the county. The Constable admitted to us that he was fully aware that the warrant of committal had been granted by inadvertence, and that in executing it he was guilty of an irregularity; and as it appears that the warrant was executed on the morning of the day of Shrewsbury races, and that the Constable, immediately after having conveyed the prisoners to the gaol, proceeded to the race-course, we can entertain no doubt that his object in executing the warrant was to obtain an opportunity of witnessing the races at the public expense." * * *

It also appears that the same Constable on one occasion detained a prisoner in custody several days before he notified his apprehension to the Magistrates. During that time he confined him by night in the lock-up house, and in the day-time kept him chained to the kitchen-grate of his (the Constable's) house.

It was furthermore proved to us that it had been the constant practice of the Magistrates on the application of the same Constable, as agent, to grant summonses for the non-payment of rates and tithes, and in the event of the summonses not being attended to, which frequently occurred, to issue distress-warrants, without any further evidence of such tithes or rates being due than the mere statement on oath of the constable; which statement, being manifestly nothing more than a repetition of what had been told him by other parties, was at best but hearsay evidence, and as such not receivable. The evil of this practice was strikingly exemplified in the following case, which was clearly proved before us:—"The constable before mentioned, having distress-warrants against an individual for non-payment of taxes and poor-rate, obtained at his own suggestion authority from the churchwardens to apply to him for the payment of the amount of the church-rate then due. Instead, however, of applying to the party for payment, he obtained a summons from the magistrates, which summons was followed up by a distress. The churchwardens stated to us most positively that they had never authorised the application for a summons, or entertained any intention of commencing proceedings against the party. Property of the latter was, however, seized under the distress, and sold by the constable, as auctioneer, greatly under its value; but the amount levied had not up to the period of this inquiry, though the distress took place several months before, been accounted for by the constable."

§ 274. It may be stated, as one ground for recommending the organization of a trained constabulary force upon a general system, that such arbitrary infractions as those to which we have adverted, may not be committed, and that the liberty of the subject may be better secured against them.

A general acquaintance with their legal duties forms part of the training of and extensively organised force, which it would be impracticable to conduct with facility except in conformity to the law. In narrow divisions the infractions may escape observation, and, under irresponsible directions, redress is proverbially difficult. Infractions on a large scale are obnoxious to universal attention, and ensure condemnation. It would be the

duty of the constables or officers of a trained force to ascertain and be ready to submit to the magistrate the authority on which they act, and for any errors of omission or commission they would be completely amenable. It may be stated as a rule deduced from past experience, that the widest departures from the law take place in the exercise of authority by the uninstructed officers, in the smaller and exclusive jurisdictions, which are deemed the most popular; and that the proper organization of a constabulary force is in itself an important security in the increase of discretion, and the diminution of any motive to the undue exercise of authority to the prejudice of the liberty of the subject. The metropolitan constabulary force has stood on the limits of its authority under the Vagrant Act, and could not have ventured to exert such powers as those habitually used in such instances as those cited. A large body can only be well or easily conducted by an adherence to general rule or principle; and they could not allow themselves to become instruments for such dispensations with the legal forms intended for the security of the liberty of the subject, as we find to have been resorted to in the provincial districts, and especially in boroughs and places secluded from the light of general rule and practice, by exclusive jurisdictions and privileges.

§ 275. But a distinct ground for the combination of general with local direction consists in the necessity of securing action on general principle and progressiveness of improvement. For the systematic management of any preventive force it would be necessary to ascertain the general causes of crime, and direct uniform courses of action against them. Under such various conflicting local views as those we have described, any systematic or extended action were impossible. We find that improvements effected in any division are now, and would continue to be, lost to all others. Amidst the evidence collected by the Commissioners of Inquiry into the County Rates will be found instances of valuable administrative improvements which have been for many years in operation in particular counties without the slightest attempt at imitation in the counties adjacent or in any others. Responsibility to the community at large, or to the legislature, is in proportion to the division into separate and independent management divided and weakened until it is ultimately annihilated. With a combined national force under a responsible direction, the Parliament, and through the Parliament the public might ask with effect, Whence come these enormities? How is it that they continue? What endeavours have been used for their repression? What efforts have you yourselves employed? How is it that the success of those efforts have been no greater? Until there be a respon-

sible direction to which these questions may be put, we see no probability of any rapid improvement in this branch of public administration.

§ 276. Our chief recommendation, then, is, in substance, in favour of an extension of the trained metropolitan force, which has been already tried, and has given so much satisfaction. This recommendation, we are convinced, will accord with the conceptions of those who have had the best means of information, and who have thought most dispassionately upon the subject, not to speak of the well-founded anticipations and hostility of those whose proceedings will properly come within the cognizance of an efficient constabulary force. We believe that, with the powers of local control and supervision which we have suggested, it would accord with the views of the majority of the magistrates and of the more influential guardians throughout the country.

§ 277. Of the answers we have received from the magistrates of 435 petty sessional divisions, 123 recommend the appointment of an improved rural police; in 13 divisions the magistrates recommend the appointment of such a force to act under their own exclusive control; in 77 divisions the appointment of a patrol, or additional constables, is recommended; in 16 divisions the magistrates recommend that better remuneration be given to the present constables; in 37 divisions the magistrates answer that they consider some further security necessary; in 47 divisions the magistrates express no opinion; and in 122 divisions an opinion is expressed that no alteration is required. The other answers contained in the same returns when brought to the reconsideration of the same magistrates, and especially a closer knowledge of the state of crime within their own division than we have shown they have any means of obtaining without the appointment of proper officers to make inquiry and presentments, would, we can have no doubt, lead the great majority of them to an entirely opposite conclusion. We are encouraged to this expectation by the examples, that whilst in the answers from the petty sessional divisions of the counties of Lancaster and Shropshire, the majority consider no alteration of the existing state of things necessary (in Shropshire seven divisions out of nine; in Lancashire five divisions to four), on the subsequent consideration of the subject before assemblages of the magistrates of each county, opinion was found to have advanced to unanimity in favour at least of the appointment of paid constables within the county. But from the present high sheriff of Shropshire we have received a communication strongly urging, with a view to the efficiency and well working of the force, that it should be general rather than local and partial in its appointment and management. (See

Appendix, No. 10.) Concurrent views have been expressed to us by a number of persons deeply interested in the peace and good order of the manufacturing districts. From the tenor of the questions, as well as from the majority of the answers, where the particular nature of the force is specified in the recommendation of an improved police force, we conceive we are justified in the assumption that the opinions of the majority are in favour of a general system of organization rather than of a separate and uncombined local appointments and management. We are assured that the promulgation of the facts and reasonings we have set forth, if they could be dispassionately considered, would go far to insure more entire unanimity than has usually prevailed on any administrative question, impeded by popular passions and prejudices, and obnoxious to party feelings. We may submit the following as specimens of the disconnected opinions expressed on the subject. Thus the magistrates of the divison of St. Alban's, Herts, state—

A well-organised system of rural police, with a superintendent in each of the principal towns (as, for instance, at Hemel Hempstead, Watford, St. Alban's, Barnet, Hatfield, Welwyn, in this part of the country), having a certain number of police constables under him, and being in constant communication with the superintendent of the neighbouring district, and under the control of the local magistrates in petty and quarter sessions, would be generally acceptable in this part of the country, provided it were put upon an economical but still efficient footing, and engrafted as much upon the present frame-work as it could be found desirable to retain.

The magistrates of the Bishop Stortford division of that county state—

The local police should be strangers to the place where stationed, and, if possible, should be chosen from the respectable part of the London police, who are well acquainted with their duty, and would have no connexion in the neighbourhood. They should be appointed on application by the local magistrates, and approved of by the Lord Lieutenant or Secretary of State.

The magistrates of the division of Allertonshire, in the North Riding of York, state—

It appears to us that in case some plan for co-operating with towns and places at a distance was established, and particularly with sea-port towns, the apprehension of offenders would be greatly facilitated, and especially in cases where offenders endeavour to quit the country. We are also of opinion that many evils result from the very extensive system of vagrancy and mendicancy which at present prevails in this and other parts of the country.

A magistrate of the division of the Greytree Hundred, in Hereford, states—

Certainly additional means are required. The appointment of persons as officers who are strangers to the neighbourhood would tend much, in my opinion, to the discovery of the various crimes which occur in this district. At present the offenders and officers are so leagued together by consanguinity, long acquaintance, and oftentimes, I fear, by participation in crime that some more efficient force is absolutely necessary.

A magistrate of the division of Kirby, in the county of Warwick, states—

A well-organised, efficient, and *moveable* police would give actual security to person and property. I say moveable, to prevent connexions being formed which might interfere with the proper discharge of police duties.

In the answer from Nuneaton, in Warwick, it is stated—

A regular establishment on the London system for night and day would accomplish everything.

The return from Monmouth states—

The active interference of the new body of police in cities and large towns has had the effect of distributing hordes of criminals, and in some measure restraining their depredations, but without the system of vigilance and activity is pursued the mischief will probably only be transferred from town to country. No person can inform against a breach of the laws under the penalty of being maltreated. The magistrates have seldom power to act, and then very little inclination on their own view. In these districts, through which the high road to London to the south of Ireland, and from Bristol to Liverpool lies, the country is infested with gangs of vagrants who take the title of distressed sailors and produce printed passes, signed and sealed as if by magistrates of the South Wales seaports. Cottagers and farmers who do not know that such passes are contrary to law, relieve the parties, and those who do know it are intimidated by their number. An active body of *moveable* police would soon intercept and diminish the numbers, and a short confinement in solitary cells on bread and water would make the vagrants more cautious of taking up the trade when every Union through which they must pass might be enabled to treat them in the same manner. There are four policemen in the borough of Monmouth, who are very active, and two or three others added to this force would be sufficient for the duties of the district, but they should be all under one superintendent of course.

The success and general approbation of a central control in combination with local management in the administration of relief to the poor, a department of administration in which it appears to us that unity of management, though important, is less essential than it is to the nature of a constabulary and to its constitutional principles of action, has led to the extensive recommendation of a similar and even of the same organization. Thus one magistrate in the Dacorum division of the county of Hertford states,—

I differ from the other magistrates as to the expediency of putting a police force under the appointment and regulation of the local magistracy. I consider that the present magistracy would be as inefficient to organise and direct such a police force as the country requires, as the present constables would be to constitute that force. The great desideratum in a general rural police would be the unity of its operation, and that, in my opinion, could only be secured by a management precisely similar to that of the New Poor Law; namely, by representative Boards elected by the local rate-payers associated with the magistracy, and those boards under a central control. I consider the machinery of the Poor Law Amendment to afford the most perfect model possible for the management of all rural police business in this country, for without disturbing those principles of local self-government, by means of popular representation, which are so entirely interwoven with the feelings and habits of the English people, it ensures all the vigour and unity of action which could arise from individual direction. I am, therefore, of opinion, not only that a police establishment throughout the country is highly necessary, but that its management should be precisely similar to that under the New Poor Law.

§ 278. The newly organised administrative bodies formed throughout the country by the appointment of new Boards of Guardians under the Poor Law Amendment Act have appeared to many persons suitable for the appointment and management of a rural constabulary force. This opinion has been so frequently pressed upon our attention, that we think it incumbent upon us to notice it. It has been urged in support of the opinion, that these Boards comprehend the magistrates as *ex officio* guardians; and, moreover, the representatives of all the parishes within the Union, who are deeply interested in the preservation of the peace, and have good means of giving to the paid constables information and other aid. Instances have moreover been adduced, where such Boards, under peculiar circumstances, have appointed and controlled paid constables with great advantage.

§ 279. We have no doubt that the management by such Boards would be deemed good amidst districts where nothing could easily be worse; but our chief objections to such an arrangement consist of the stated objections to the management of a police by committees, or by numerous bodies; to local appointments, to untried and practicably unchangeable constables, to uncombined and conflicting management, and the absence of securities for efficiency or of unity in general action. The information derivable by the constables might be obtained by subordinate arrangements rather than by statutory provisions. The occupiers, or others acting at the Boards of Guardians, as representatives of the rate-payers, would have opportunities of meeting the magistrates at these Boards, and

of making to them any representations respecting the state of their neighbourhoods, or of the conduct of the constables. There would be much business in connexion with the suppression of mendicity, and other objects that would bring the paid constables in communication with the Boards of Guardians. On these occasions the Guardians would have the means of communicating useful information to the trained officers. Any advantageous arrangements in these respects would come about of themselves, if proper discretionary authority were allowed for the purpose.

The return from Abinger, in Dorking, states,—

Neither should the police force be under the control of the local magistracy *merely* or *chiefly*. To be thoroughly efficient it should be on the *central* system, overspreading the whole country, like one vast continuous piece of net-work, of which the reticulations would be wider, or narrower, according to the liberality of the nation in paying for the protection of the honest and industrious.

The central system most efficient, because it affords the benefit of speedy intercommunication and ready co-operation. Besides experience proves that every local administration not subordinate nor responsible in its details of management to, nor in frequent communication with, *distant* authorities, soon lapses into feebleness and indolence.

The answers contained in the returns from Norwood, in the Uxbridge Union, may be given as exemplifications of a large class of other communications.

The return from Norwood states,—

That a preventive force to be efficiently useful should extend around the metropolis to such large towns in Middlesex, Herts, Surrey, Essex, and Berks, possessing a similar local protection, and be in constant communication with the metropolis and such localities; it should also be sufficiently numerous to effectively watch and patrol all the bye lanes and roads, and instructed to exercise a constant surveillance over all the one-horse and donkey carts, trampers, mendicants, &c. The best mode of all would be the establishment of a general police for the *whole* kingdom, united to, and in co-operation with, the Metropolitan Police Force.

The return from Rampisham, in Dorset, states,—

That we should be included under a general system of rural police, of a really efficient character.

The return from Iver, in Bucks, states,—

An uniform co-operative system of police, formed *throughout the country*, would prevent the commission of *many* offences, and consequently the expenses which those offences would have entailed on the public.

The return from the Buckingham Union, states,—

An efficient police principally acting by night, and independent of parochial or local connexions.

The return from Morden Guilden, in Cambridge, states,—

A system of police, extending to a large number of Parishes, and under a central management, is *particularly desirable.*

We have found considerable unanimity of opinion on the subject of the intercommunity of action and information of the paid officers. The magistrates of the division of Pontypool state,—

The establishment of local police officers, capable of their duty, keeping up a regular communication with each other, removeable by the magistrates upon information of neglect of duty whenever it may be judged expedient, keeping a daily account of every transaction that may happen in this division, reporting the same to the chief officer and watching and inspecting all beer-houses, lodging-houses, and mumping-houses.

The magistrates of the division of Offlow, in South Stafford, state,—

If every parish furnishes as they are required to do at present, one constable at least, probably two paid officers in each Union, when they are established, would be a sufficient effective force under proper arrangement and organization. In populous districts and in the neighbourhood of large towns, more might be found useful. The chief officer, whoever he may be, should attend the magistrates' meetings, report to them and receive their orders, and a regular system of co-operation be established with the constables of the several parishes in the district.

The magistrates of the division of Kidderminster state,—

The establishment of a few regular and intelligent constables, even if only one for every two or three of the country parishes, would have the most beneficial effects both in detecting offenders and operating on the minds of persons of bad character by tending to prevent offences. Some kind of gradation of constables in each county would, we think, be still more efficient, particularly by appointing one to whom the others should send reports (respecting suspicious characters, &c.), and who should be made in some measure responsible for the others properly performing their duties.

When the subject of the appointment of the constables is mentioned, it is generally to deprecate local appointments. The magistrates of Middle Agbrigg, in the West Riding of York, state,—

We think it of the greatest importance that the appointment and control of the constabulary force should *not* be vested in the ratepayers of townships entirely.

The return from Eltham, in Kent, states,—

It would doubtless prove of great service to have a police established altogether unconnected with local interests, by which the illegal trafficing and keeping open of beer-shops and public-houses on the Sabbath day, and other various abuses, might be more efficiently put a stop to, so injurious to the morals of a rural population, and so fearfully encouraging to the commission of crime. The expense would perhaps be increased; but the prevention of crime, and consequent security of property, would be the result.

Whilst the general state of insecurity of person and property from the commission of crime, and the evidence as to the existing means of repressing it, appear to us to leave no other alternative than the revival and stringent enforcement of the early constitutional local responsibilities for prevention and repression, and the appointment of an adequate force by the supreme executive; we do not recommend the immediate, absolute, and general adoption of the last alternative, even with the modifications we have recommended. Our reasons are as follow:—

In the first place, we consider the general and simultaneous appointment of an efficient force impracticable. We have shown that the success of such a force depends on its training, and the appointment and training of a force adequate for the whole country must be a work of much labour and time. The only sure and available means which suggests itself for this purpose is that of following out more extensively the existing practice of making draughts from the Metropolitan Police, and supplying the vacancies by fresh recruits, who would be trained in its ranks. In this course the paid local constables who are already appointed, and are of the proper physical condition and character, might be removed, and be qualified by a more speedy training in the established force, and afterwards located.

§ 280. In this recommendation we deviate from the principle of organization and appointment adopted under the Poor Law Amendment Act. Under that Act it was provided that the appointments of officers should be by the local authorities, but that the control of the appointments, by dismissal or otherwise, should be in the Commissioners. On account of the acknowledged necessity of obtaining men from a trained force, unconnected with the districts, and of changing them from time to time, as well as of reducing the numbers within any district, we propose that the appointments should be with the Commissioners of Police, and that the magistrates should be invested with the control of the appointments by the dismissal of the constables or the removal of the chief officers appointed.

§ 281. In the next place, we consider that were a sufficient body of trained men immediately available to ensure success, it would be the best course to proceed with its local organization gradually and tentatively. If the Act for the establishment of the Metropolitan Police be examined, it will be seen that it rather supplied the means of establishing a police than prescribed any fixed plan. We consider that the success of that measure is chiefly ascribable to the course of proceeding which was adopted, with the advantages derived from experience on the spot, and the use of wide discretionary means to meet new and unforeseen exigencies. In the organization of a rural or provincial constabulary force time would be required for the arrangement of the force in the several divisions, for the selection of

stations, and the adaptation of attendance on the magistrates at the petty or quarter sessions, for providing the performance to such miscellaneous services as those we have described, and for other arrangements which involve much consideration of details. After a trained force had been appointed, particular districts, comprehending a population similarly situated (as the whole of a manufacturing district), might be formed, with appropriate centres for direction, though still in subordination to the general directions emanating from the general source of authority. To these centres, comprehending more than one county, immediate communications might be made, and much business might be transacted there without direct reference to the metropolis. The most convenient arrangements, however, for general efficiency, could only be suggested by the course of actual experience; and a wide discretionary power should be given, in order to secure to the public the advantages of their adoption as they arise. The arrangements for the efficiency of such a force would be considerably influenced by a new power, namely, that of more rapid locomotion by the railroads: by these new modes of conveyance the chief force in the metropolis will practically be brought two-thirds nearer than heretofore to the greater part of the country, and to parts of some counties it will, for practical purposes, be brought as near almost as the county-town is to them.

§ 282. By the gradual course we propose, the advantages of progressive experience would be ensured, and a large proportion of the community would be propitiated by the well working of the force. It appears to us to be so far important to obtain the zealous co-operation of the magistracy, or of the leading inhabitants, in aid of the constables in the districts where it is introduced, that we would propose to make its introduction extensively dependent on their votes. If we are not much misled it is probable that the voluntary demands for a trained force would keep pace with the means of supplying them. A further advantage connected with this course would be, that the constables would so far feel it to be their interest to propitiate the people of the district as to lay the foundation of a habit of attention to their wishes in minor but useful services.

§ 283. We have already stated that applications have been made from nearly every parish on the exterior of the boundary of the Metropolitan Police to be included within it. We see no reason to doubt the general and voluntary extension of this desire especially in favour of a force expressly organised to meet the wants and conveniences of the rural or provincial districts aided by the contribution of a portion of the expense. Should, however, this expectation not be realised or not valued to the full extent, an opportunity of judging of the supplementary measures which might be requisite would still be gained to the Legislature.

§ 284. We deem it an essential condition to the fair trial and well working of the new force, and the prevention of harassing conflicts, that immediately on the adoption of the provisions of the New Police Act in any part of the country all powers for the appointment of constables, whether paid or unpaid, by whatever authority, should within that place thenceforward cease and determine, and all process or notices be served, and all other constabulary duties be performed by the paid constables.

§ 285. Some of the most serious disturbances and breaches of the peace are ascribable to the known absence of any previous organization of any force at hand by which they could be repressed. The business of organising the force is proceeded with amidst fear and confusion, frequently whilst the country is in the possession of rioters. Then persons are taken by surprise, suddenly impressed to perform what are to them new and obviously dangerous duties, and the organization of a proper force is delayed by the contests or evasions of persons who are afraid or unwilling to act.

§ 286. One important point of experience derived from the trial of a trained force in the rural districts has been, that on occasions of emergency there has in all cases been much less difficulty, and in some cases no difficulty whatsoever, experienced in getting persons to act, for such short time as is usually required, as special constables under the guidance of the trained officers. (§ 181.) Farmers have stated that they entertained no reluctance to act under the lead of persons in whose fitness they felt confident. Where a trained constabulary force has been in action in the rural districts, the officers have soon been on terms of confidential communication with the farmers, and have received from them habitual and important aid in the performance of their ordinary duties. The farmers and others, whether occupiers or owners of agricultural property, (which it would be the duty of the paid constabulary especially to protect,) have habitually given to such officers, when unconnected with the place, information which they would not have given to any of the unpaid constables. The latter being connected by relationship or other ties with persons implicated, and what was known to such constables being commonly known to their wives, and thence to the neighbourhood, they are rarely intrusted with any information. This is one additional reason for the provision that the paid constabulary should not be appointed from within the locality. After the experience of such advantages as have been derived from a constabulary force in places where it has been tried, we adopt the opinions expressed to us by farmers and others, that the alacrity to give aid against disturbers, on ordinary occasions, would be extended to those occasions when special constables are usually required.

§ 287. To avoid the inconveniences of organising special con-

stables under circumstances of confusion and alarm, we propose as an addition to the existing provisions of the Special Constables' Act, that the superintendent of police shall prepare a list of persons properly qualified to serve as special constables, and that the magistrates in petty sessions shall, at the commencement of the year, appoint persons who, from within their divisions, may be called out during the year ensuing to act as special constables on the occurrence of any emergency in which special constables are now usually required. This we consider would be in fact simply giving notice to the proper persons, and enabling them to prepare themselves to act at once on being called upon, instead of being taken by surprise. We propose that, when called out, they should be paid according to the provisions of the Special Constables' Act. It would naturally follow, that the persons pre-appointed to act as special constables would be those in whom the magistrates, or the superintendents of the constabulary from previous knowledge or communication, would have the greatest confidence, or to whom the service would be the least inconvenient or disagreeable. We presume that the persons so pre-appointed would frequently be the most respectable farmers or householders; and it would be an advantage attendant upon the arrangement we propose, that it would introduce the paid officers to them, and lead them to communicate freely on ordinary occasions.

§ 288. Should the special constables so pre-appointed prove inadequate to any emergency, then additional special constables might be sworn in according to the existing method.

§ 289. Acting on the mode we propose, under the supervision of the magistrates, and in communication with the most respectable inhabitants throughout the country, in conformity to general rules and information, we feel confident that we should have an organised constabulary force exceeding in efficiency almost any civil force which has been in operation at any period of the history of the country.

§ 290. The general regulations of the Metropolitan police have been voluntarily adopted, in most cases literally, for the greater proportion of the new establishments of paid constables throughout the country. We propose that these should be modified and extended, with full instructions for the information of the magistrates and the use of the officers and men in the rural districts. New general orders or regulations to apply to extensive lines of communication, as along the highways, regulations for the service of process, the routes for the removal of prisoners, &c., the measures to be taken against migratory depredators, these we propose should be framed, as at present, by the Commissioners, subject to the approbation of the Secretary of State for the Home Department. To the magistrates would naturally belong

the power of framing the local rules respecting attendances at the quarter sessions and at petty sessions.

§ 291. On the application of any county to be included in the provisions of the New Police Act, the practical course taken would probably be to send down a superintendent, or other superior officer, to confer with the local magistrates, and to prepare and report as to the requisite arrangements on which the proper force would be appointed for the district and put in action. To the extent to which the business was performed progressively, it would be the less severe on the Commissioners in London. We perceive no occasion for recommending the appointment of any new functionaries, or for doing more than making such additions as may, from time to time, appear to be requisite to the subordinate official establishment, to meet the increased correspondence and relieve the Commissioners from the details of ordinary routine.

§ 292. After some progress had been made extended districts might be formed, such as the whole of a manufacturing district, in the chief town of which a large force would be required, and from which, as from a minor centre, the men might be appointed for the surrounding districts, and changed from thence. Experience would probably suggest that a large proportion of the local business of the constabulary force might be more conveniently dispatched in the larger adjacent towns than in the metropolis. But all such arrangements would arise much better as the result of actual practice than from any *à priori* plan.

§ 293. We are fully aware that the plan we have proposed of the gradual extension of the provisions of the New Police Act, on the voluntary application of the magistrates or other local authorities, is liable to the objection of inconsistency with much of the evidence we have adduced, and as being fraught with the disadvantages of separate action and with the chances of powerful and effectual opposition being raised by those who may have a direct interest in opposing the establishment of an efficient force.

§ 294. We indeed consider it desirable that a power should be given to Her Majesty's Government to provide for the preservation of the peace by an efficient constabulary force in those of the manufacturing or other districts where any free deliberation on the subject is prevented by the influence of the interests adverse to good order or legal restraints. The necessity of making such exceptions to the permission to adopt the provisions of the Act will doubtless be taken into consideration by Parliament. We shall only observe upon the subject, that generally we have recommended the permissive course as being, under existing circumstances, the most expedient with the view to the conciliation of voluntary exertions in aid of the operations of the new force; but that, to whatever extent the permissive power were narrowed,

and a discretionary power of introducing the force given to the commissioners of the metropolitan force, we can entertain no doubt that it would be introduced in a manner equally satisfactory to the public; and much more efficiently, because more regularly and connectedly than would be practicable from scattered and irregular applications.

§ 295. On investigating the modes of action of a trained force for the prevention of crime, we have received much information which appears to us to be of much practical importance, and as tending to show the principles for its prevention by a paid agency. We beg leave to be permitted to make this information the subject of a separate Report; as also that we may include in such separate Report the information we have received on that head of our Commission which requires us to examine and report on those proceedings before trial by which crime may be most effectually prevented.

§ 296. On this last topic we shall set forth measures we deem essential for obtaining the complete co-operation of the public in aid of the ordinary proceedings of any trained force for the prevention of crime.

§ 297. Our chief recommendations being, in fact, inductions from as impartial an examination as we could make of the principles of organization of a constabulary force in Ireland; from the organization and action of a trained and responsible force in protecting nearly two millions of persons in the metropolis; from the trial of the new police in nearly two hundred different places, under varied circumstances,—we consider we have proceeded upon a basis of experience sufficiently wide to justify our confidence in the measures we have recommended.

We now beg leave to recapitulate the chief conclusions which we have endeavoured to set forth in this our Report.

I. Having, with a view to judge of the extent of any requisite remedy by means of a paid constabulary force, made a general investigation as well as to the state of crime as to the present state of the unpaid constabulary, we find in respect to the state of crime—

1. That the public information as to the number of crimes committed, inferred from the extent of crimes judicially pursued and punished, is widely erroneous. (§ 1, 2, 3, 4.)

2. That there is an average of upwards of 100,000 commitments annually to the gaols of the able-bodied population of England and Wales for criminal offences. (§ 12.)

3. That there are from 11,000 to 20,000 persons constantly in the criminal gaols, of which number a large proportion are persons known as living wholly by habitual depredation; and from inquiries made in a large number of the individual cases of pri-

soners confined for thefts in these gaols, we find that on the average such prisoners in the rural districts, where there is no trained constabulary, have been at large living by depredation during average periods upwards of five years; and that the criminal prisoners in the gaols in the towns, where there is a paid and trained force, have not been able to pursue their depredations more than half that time. But that nevertheless, in either districts, prisoners are liberated with the prospect and the temptation of a career of unknown but long duration for the future, before permanent removal by process of law or by natural causes. (§ 10, 11.)

4. That with relation to the particular crimes committed by such habitual depredators, no information is possessed by the unpaid constables. (§ 1, 2, 3, 4, 5, 6.)

5. That it results from a special investigation of the habits of the classes of habitual depredators; that a large proportion of them are migratory; that they migrate from town to town, and from the towns where they harbour, and where there are distinct houses maintained for their accommodation (§ 35, 36, 37, 38, 39), they issue forth and commit depredations upon the surrounding rural districts; the metropolis being the chief centre from which they migrate: and that they harbour in provincial towns in proportion to their magnitude, and in proportion to the facilities for plunder or to the absence of protection in the surrounding districts. (19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.)

6. That judging from particular cases in which we have made inquiries, a large proportion, if not always the majority, of prisoners in the county gaols, for offences committed within the rural districts, are persons who have migrated from the towns to the rural districts. (§ 24.)

7. That from the impunity enjoyed by the classes of depredators, migrant or resident, property is rendered insecure; in some places so much so on the part of the labouring classes as greatly to impair the value of property to them, and their motives to industry and frugality. (§ 31, 43.)

8. That in the rural districts agricultural produce is subjected to extensive depredation, which often interferes with the most advantageous course of production. (§ 41, 42, 43, 146, 147, 148, 207.)

9. That a large proportion of the highways are left without any protection whatsoever from any constabulary or other civil force. (§ 51.)

10. That on the highways of a large part of the country commercial travellers and strangers who travel singly, otherwise than by public conveyances, and carry money about them, abstain from travelling after dark, from fear of robbery and violence; and that farmers return from market in company, from the like fear, after dark. (§ 51, 207.)

11. That the products of commercial industry *in transitu* on the highways being almost entirely without protection from any civil force, are subject to extensive and systematic depredation. (§ 52, 53, 55, 56.)

12. That in the absence of due protection, property carried by sea in ships which are wrecked on those parts of the coast where shipwrecks occasionally or frequently occur, is subject to extensive habitual depredation, and life is endangered or lost under circumstances of barbarity disgraceful to a civilised nation. (§ 58, 59, 60, 61.)

II. Having investigated the general causes of depredation, of vagrancy, and mendicancy, as developed by examinations of the previous lives of criminals and of vagrants in the gaols, we find that in scarcely any cases is it ascribable to the pressure of unavoidable want or destitution; and that in the great mass of cases it arises from the temptation of obtaining property with a less degree of labour than by regular industry, which they are enabled to do by the impunity occasioned by the absence of the proper constitutional protection to the subject. (§ 65.)

III. Having specially examined the state of public security against breaches of the peace in the manufacturing districts, we find,

1. That the free investment of capital and employment of labourers, and the progress of manufacturing industry is impeded and endangered, and combinations carried on by violent and unlawful means; that murder has been resorted to, and that threats of murder, and arson, and personal violence are resorted to by such combiners as means to effect their objects. (§ 66, 67, 71, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86.)

2. That for the prevention of the disturbances peculiar to such districts, as well as for the prevention of the more ordinary breaches of the peace, amidst the new and increasing population, no other efficient force than a military force is provided. (§ 86, 88, 89, 90, 97, 130, 131.)

3. That such force is inadequate for the purpose of the prevention of disorders, and that from the reluctance which is felt in having recourse to it for the purpose of repression, it is rarely used until considerable evil has been occasioned.

4. And we further find that from the want of an efficient preventive force, the peace and manufacturing prosperity of the country are exposed to considerable danger. (§ 96, 98.)

IV. Having specially investigated the state of the constabulary force and the execution of the constitutional prin-

ciples of penal administration connected with that force, we find,

1. That the early constitutional principles of local responsibility for offences committed, by compensation to the sufferers, or by amercements to the Crown, has been impaired; and that there does not exist an adequate local interest to ensure the adoption of efficient means for the prevention of crimes, especially of crimes committed against the persons of strangers, travellers, or wayfarers. (§ 99, 105, 106.)

2. That in the majority of instances, the courts leet, or other functionaries charged with the duty of appointing fit and proper persons to act as constables, do not appoint persons who possess the requisite legal qualifications in respect of intelligence, substance, character, and connexions. (§ 112, 125, 126, 127.)

3. That the modes of carrying out the early constitutional principles of action of a constabulary force, of seeking information of offences, felonies, or misdemeanours committed, and of instituting quick and fresh pursuit for the apprehension of the offenders, have fallen into desuetude, and that no new modes adapted to the present circumstances of society have been introduced. (§ 102, 103, 116.)

4. That offenders, after having committed extensive depredations in one district, have recourse to another; the people in which, having received no warning, are enabled to take no measures of prevention; and that until detected and pursued by some private individuals, usually at their own private cost, the depredators proceed without interruption by any public officers from district to district. (§ 117, 119, 120, 121.)

5. That the criminal law is often extensively dispensed with, and its execution left to the discretion of private and unauthorised individuals.

6. That in consequence of the extensive dereliction of the constitutional principles of penal administration, self-protection is extensively resorted to by private individuals separately, as well as by individuals associating together for mutual protection. (§ 117, 118, 122, 123.)

7. That there are upwards of 500 private or voluntary associations for self-protection in different parts of the country, by the payment of rewards for the apprehension of felons and the expenses of their prosecution, independently of a large number of associations for self-protection by subscription for the maintenance of private watchmen; and of other private associations for the removal of various evils, such as the suppression of vagrancy and mendicancy, which it is the business of the Government to prevent or repress. (§ 118.)

8. That the protection obtained by such associations is in proportion to the cost extremely inadequate, and that the

practice of investing private hands with public powers for their own use is fraught with much inconvenience, and some danger of mischief to the public by large associations. (§ 57, 120, 121, 123, 124.)

9. That the proper performance of the legal duties of constables in the present state of the law and circumstances of the community would require from persons otherwise properly qualified in respect to substance and character, a sacrifice of time and labour which would render the compulsory service of the office grievously burthensome, and that within the time allowed for such service the requisite information and experience for its proper performance could not ordinarily be obtained. (§ 134.)

10. That it is essential to the proper performance of the duties in question that they should be performed by an agency specially trained, paid, and appointed, during good behaviour, for the purpose, and subjected to the control of superior and trained officers, who are themselves specially qualified and subjected to effective responsibility. (§ 135, 136, 137, 139.)

V. Having specially investigated the cases of the trial of paid constables, in the case of the trial of a paid constabulary force appointed and controlled, according to an Act of Parliament for the county of Chester, by the magistrates at quarter and petty sessions (§ 140, 141, 142, 144, 146 147, 148, 149), we find,

1. That the appointment and management of a paid constabulary force in separate divisions, separately managed at the discretion of the justices at the petty sessions of those divisions, is an arrangement of itself incompatible with any efficient and economical system for the prevention of crime. (§ 155, 156, 157, 158, 159, 160, 161.)

2. That such a mode of local appointment and separate management in separate divisions does not comprehend any adequate local interest or proper security for the due protection of property or persons unconnected with the vicinity on the highways, or for the enforcement of the constitutional responsibilities in that behalf to the sovereign authority. (§ 52, 55, 61.)

3. That any administration of a paid constabulary on a less scale than for a whole county does not comprehend a sufficiently wide basis for ultimate and complete efficiency and economy, either as to the county regarded separately, or in its general relation to the rest of the kingdom. (§ 168, 169, 170.)

4. That the appointment and executive control of any paid constabulary force for the conservation of the peace are proved to be incompatible with the due and impartial discharge of the functions of the justice of the peace, with the maintenance of

proper respect for the office, or the efficient direction and control of the force itself, or the avoidance of party or local animosities, or the jealousies arising on the part of the labouring classes from the relation of employer and workmen. (§ 86, 130, 131, 146, 155, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167.)

VI. Having examined the effects and tendencies of the other paid constabulary forces, separately organised and directed in towns, we find—

1. That whilst the paid forces which have been instituted on the model of the Metropolitan Police force, in many of the municipal towns, have rendered considerable benefits to the inhabitants of those towns, they have not gained these benefits by preventing or suppressing the whole of the evils from which they are freed, but by shifting a portion of it, or driving depredators into adjacent districts. (§ 22, 25, 199.)

2. That a considerable proportion of the habitual depredators in the rural districts harbour in the towns, where, since they do not, unless under safe opportunities, pursue their practices, they receive no molestation. (§ 200.)

3. That, in consequence of the absence of a proper constabulary force and the want of due protection in the rural districts, the towns are subject to the occasional escapes of delinquents, and are obliged to maintain a stronger or more expensive constabulary force than would otherwise be necessary (§ 207, 208) to guard against criminals who subsist chiefly by depredations in the surrounding country.

4. That the like results must be produced by separate or uncombined arrangements for the prevention of crime (§ 169, 171, 204.)

VII. Having investigated the most favourable instances of the trial of a paid and well-appointed constabulary force in the rural districts, we find—

1. That by means of such force the habitual depredations of resident delinquents have been prevented, and that they have been reformed or constrained to courses of honest industry. (§ 198, 172, 174.)

2. That the districts in which such force has acted have been kept free from vagrants and mendicants, and from migratory depredators; and that habitual depredations on agricultural produce and crimes in general against property have been prevented. (§ 172, 176, 184, 186, 190, 197.)

3. That the disorders in beer-shops and ill-regulated houses of public resort, and other sources of temptation and causes of domestic distress and immorality, have been repressed. (§ 176.)

4. That for a time, and during the continuance of the full efficiency of the force, the public peace, the efficiency of the laws, and the authority of the magistrates have been restored or increased as regards riotous or individual infractions, and a state of order produced, such as to leave but little immediate anxiety in the minds of the peaceable and well-disposed of the population for further amendment. (§ 176, 179.)

VIII. Having inquired into the services other than in the prevention or repression of crime which a paid and well-appointed constabulary force may render, we find—

1. That they may render extensive public service in the prevention of the loss of life and destruction of property, and in the diminution of the feelings of alarm arising from calamities by fire or other causes. (217, 218, 219, 220, 221, 222, 223, 224, 225.)

2. That they may render various local, civil, and administrative services, as in reporting on the state of the roads, and in maintaining the free transit of persons and goods. (§ 174, 227, 218, 229.)

3. That they may aid the public service of administrative departments of the Government; and especially that they may to an important extent prevent the infraction of the laws of the Excise and Customs, and thereby increase the revenue. (§ 189, 212, 233, 234, 235, 236, 237.)

IX. Having inquired as to the mode in which such a force should be appointed, and the probable expense, we find—

1. That it is essential for the efficiency and attainment of all compatible services from a constabulary force,—first, that the constables should be trained, or appointed from a trained force (155, 156, 157, 150, 160, 176, 187, 188, 195, 196); secondly, that neither by appointment or otherwise should they be privately connected with the district in which they act (§ 125, 179, 180); thirdly, that they should at periods be changed from district to district (§ 160, 180, 187, 209); fourthly, that whilst they should act under local direction for the performance of various local and administrative duties, for the repression of the practices of migratory depredators, vagrancy, and offences which concern the community at large more than the particular locality, they must act under general rules and principles, and in subordination to general directions from one general and responsible executive authority. (266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 290.)

2. That such a trained and moveable force, under general and responsible direction, will produce greater advantages than at least double the number of untrained, irremoveable con-

stables, acting more expensively under separate, independent, and voluntary, or untrained and irresponsible direction. (§ 241.)

3. That the expense of a general and uniform force, which we believe would be adequate to the attainment of these objects, would be under half a million sterling per annum.

4. That the saving from the services of such a force would be considerable; that, independently of the saving to individuals of the greater proportion of the money or produce now taken by habitual depredators, there would be much saving effected on upwards of two millions of money, now expended chiefly in the cost of repression and of punishment in various ways; amongst others, in the maintenance of delinquents in gaols, in transports, and in the penal colonies, as well as in the prevention of frauds upon the revenue. (§ 247, 249, 250.)

5. That much time, which we cannot accurately determine, would be required to obtain proper persons and fit them by training for the proper discharge of their duties, and to organise an efficient trained force. (§ 252, 279.)

6. That the only available district or trained force that can at present be obtained is the new Metropolitan Police force.

7. That in the great majority of instances, or nearly all, of the successful trial of a paid constabulary force, have been instances where trained men have been obtained from the Metropolitan Police force, comprehending about 200 instances in towns and rural districts.

We therefore propose—

I. THAT AS A PRIMARY REMEDY FOR THE EVILS SET FORTH, A PAID CONSTABULARY FORCE SHOULD BE TRAINED, APPOINTED, AND ORGANISED ON THE PRINCIPLES OF MANAGEMENT RECOGNISED BY THE LEGISLATURE IN THE APPOINTMENT OF THE NEW METROPOLITAN POLICE FORCE.

II. THAT FOR THIS PURPOSE AN APPLICATION IN WRITING, UNDER THE HANDS AND SEALS OF A MAJORITY OF THE JUSTICES ASSEMBLED AT ANY QUARTER SESSIONS OF THE PEACE FOR THE COUNTY, SETTING FORTH THE INSECURITY OF PERSON AND PROPERTY, AND THE WANT OF PAID CONSTABLES, THE COMMISSIONERS OF POLICE SHALL, WITH THE APPROBATION OF THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, DIRECT THE LOCATION OF SUCH CONSTABLES AND SUCH OFFICERS AS MAY, UPON EXAMINATION BY THE SAID COMMISSIONERS, BE DEEMED ADEQUATE FOR THE DUE PROTECTION OF LIFE OR PROPERTY WITHIN THE COUNTY.

III. THE FORCE SHALL BE PAID ONE-FOURTH FROM THE CONSOLIDATED FUND AND THREE-FOURTHS FROM THE COUNTY RATES, AS A PART OF THE GENERAL EXPENSES OF THE WHOLE COUNTY.

IV. THAT THE CONSTABLES SO APPOINTED SHALL REPORT THEIR PROCEEDINGS TO THE JUSTICES OF THE PEACE OF THE QUARTER AND PETTY SESSIONS WHERE THEY ARE STATIONED.

V. THAT THE SUPERINTENDENTS SHALL BE SUBJECT TO DISMISSAL UPON THE REPRESENTATION OF THE JUSTICES OF THE PEACE IN QUARTER SESSIONS, AND THAT THE SERJEANTS AND CONSTABLES SHALL BE SUBJECT TO DISMISSAL UPON THE REPRESENTATION OF THE JUSTICES OF THE PEACE IN PETTY SESSIONS.

VI. THAT THE JUSTICES OF THE PEACE SHALL FRAME RULES AND REGULATIONS FOR THE SERVICE OF PROCESS AND ATTENDANCE AT PETTY OR QUARTER SESSIONS OF SUCH FORCE, WHICH RULES SHALL BE SUBMITTED TO THE SECRETARY OF STATE, AND, IF APPROVED BY HIM, SHALL BE BINDING.

VII. THAT THE COMMISSIONERS SHALL FRAME RULES AND REGULATIONS FOR THE GENERAL MANAGEMENT OF THE POLICE, WHICH RULES SHALL, ON THE APPROBATION OF THE SECRETARY OF STATE, BE BINDING.

§ 298. The principles embodied in our recommendations being based on extensive experience, we feel confident that however they may for a time be impeded by adverse interests, those interests and the prejudices engendered by them will yield before the light of future experience which will lead to the ultimate adoption of measures on the principles of those we propose. If one uniform and trained force be efficiently directed to the prevention or repression of crime we cannot doubt of success.

§ 299. We can find no solid grounds for the supposition often entertained that a large amount of crime is a necessary evil incident to the present condition of society, and that the most ignorant and base of the community may defeat the exertions of a well-appointed agency instituted for the repression of their crimes.

§ 300. The appointment of a proper force for the prevention or repression of crimes has sometimes been viewed with apprehension on the supposition that such a force might be used to impair the political liberty of the subject.

If we were to admit that a diminution instead of an increase of the political liberty of the subject were the probable consequence of the establishment of an efficient constabulary force, we should nevertheless be prepared to show that the evils we have found in existence in some districts, and the abject subjection of the population to fears which may be termed a state of slavery, which the objectors would endure from a groundless fear of the loss of liberty, form a condition much worse in all respects than any condition that could be imposed by any government that could exist in the present state of society in this country. We do not believe that in this country any government could possibly exist which subjected the people to domiciliary attacks, and to have their houses broken open and plundered, and their lives endangered at night, or which caused a large proportion of the population to abstain from

travelling singly after dark for fear of being put in danger of their lives and stripped of their property by armed men,—which allowed its agents to pillage or maltreat the unfortunate people wrecked on the coasts, or which generally inflicted such evils as are now inflicted by upwards of 40,000 thieves, robbers, or marauding hordes of various descriptions, against whom the honest in almost every part of the country have been driven to associate for self-defence. Neither do we see any motives which could induce any government in these times to impose political restraints so oppressive or so mischievous on any industrious community as we find imposed by illegal means on the manufacturing population of the city of Norwich and other parts of the kingdom; nor do we believe that by any form of the abuse of the powers of a government it could use any such agency as secret committees have employed in the manufacturing districts to coerce the honest and industrious, but peaceable, to purposes injurious to them, by actual murder or the fear of life or maiming, or the threats of such fire and pillage as were displayed in the burning of the city of Bristol.

§ 301. The apprehensions expressed of danger to the liberty of the subject from the institution of a preventive police are usually supported by reference to institutions having that name on the continent; but we believe it will be found that the notions prevalent as to the state and operations of such institutions are even more erroneous than those we have found prevalent on the state of the penal administration in this country. We believe it will be found that the police force in a neighbouring country, which has been referred to as a preventive police, is in no proper sense in sound theory or actual practice preventive; and that it has had none of the chief effects popularly attributed to it. Although organised for political purposes, to the neglect, as we believe, of the main purposes of a preventive police—the protection of private individuals in the enjoyment of their rights against infractions by depredators or others,—it has not saved the various governments which have depended on it, if any have; and in all large movements by the whole of the community it has been disregarded, or thrown aside as of no serious account. The trained force which we propose is of little more than one constable to 2,000 inhabitants;—a force three or four times more numerous than that we propose were absurd as a means of constraining the whole community to any course which they felt to be inimical to them. What such a force might do with the tacit consent of the community, and what we believe to be most important for the liberty of the subject it should do, is to enforce the laws for the suppression of illegal conspiracies, riots, or dangerous violences, by which ignorant or fanatical, or rapacious minorities may seek their

ends. Without the assent or aid of the community, that is to say, without information from the people, a police or constabulary force cannot perform properly even its ordinary duties.

§ 302. The safe course for maintaining the freedom of the subject appears to us to be, not to render the authorities impotent, but to make them strictly responsible for the use of the power with which they may be invested for the public service. The securities respecting which the greatest anxiety should be manifested, are the securities that the power which the Legislature may confer for the general advantage shall be fully used. The great mass of evil indicated in our Report is ascribable not to the abuse, but to the neglect and disuse of beneficial powers. The chief and proper objection, as we conceive, to the police forces abroad are, that they act on powers which are arbitrary: the force which we propose could only act on powers which are legal, and for which they would be responsible to the courts of law, and ultimately to the Parliament.

§ 303. What has been done partially in particular places, may be done generally and more completely throughout the country, by the more efficient application of the like means. If a constabulary force were well appointed and trained on a uniform system, and were placed under trained and responsible direction for the whole country, it would, we are assured, soon enable all Your Majesty's subjects to sleep under a feeling of security from midnight plunder and violence; it would give protection to the industrious classes in the enjoyment of property, and by enhancing its value create additional motives to industry and frugality; it would give freedom and security to travellers on the roads, and humane succour to natives, and hospitality to strangers thrown by shipwreck on our coasts; it would free the country from mendicancy and vagrancy, and the various evils that follow in their course; it would free the industry of the manufacturing labourers and increase the inducements to the investment of capital by protecting them from lawless violence; it would tend to secure the people from the alarms and dangers of riotous disturbances of the peace, by affording a powerful means of repressing them without the risk of military execution and bloodshed, without putting hostile parties in array against each other, without engendering animosities by arming neighbour to conflict with neighbour, and master with servant;—all this, and much more beneficent service it might be made to render at an immediate expense of less than one-fourth of the sum recently saved by one amendment in local administration; or, as we feel confident, all these great objects may be accomplished with an ultimate saving of the whole expense from upwards of two millions of money, now chiefly expended on what have been proved before Committees

of both Houses of Parliament, and pronounced by them to be, ineffective or demoralising systems of punishment.

All which we now humbly certify to Your Majesty.

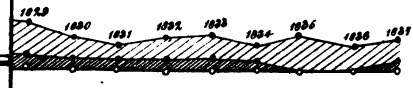
(Signed) (L.S.) CHARLES SHAW LEFEVRE.
(L.S.) CHARLES ROWAN.
(L.S.) EDWIN CHADWICK.

Whitehall Place,
March 27, 1839.

ing the number of forged notes presented at the Bank of England
e number of Convictions and Executions for Forgery
from 1805 to 1837 inclusive.

	2	3	4	5
r e nk	Number of Persons Convicted of Forging & uttering Forged Notes.	Proportion of Convictions to Offences.	Number of Persons Executed for Forgery.	Proportion of Executions to Crime committed.
	24	One in 158	13	One in 291
	9	462	11	378
	40	146	13	394
	32	154	5	987
	52	127	19	348
	26	210	18	303
	24	366	8	1,099
	52	344	23	777
	52	295	17	901
	44	334	6	2,453
	59	301	11	1,615
	104	239	18	1,380
	128	243	18	1,732
	227	120	24	1,133
	193	119	14	1,645
	352	82	21	1,382
	134	135	16	1 133
	16	227	6	607
	6	275	2	824
	1,574	One in 167	263	One in 1,003
	5	193	1	965
	2	385	—	Nil
	22	93	—	"
	24	87	2	1,019
	10	117	2	585
	14	80	1	1,117
	1	613	—	Nil
	3	121	—	"
	4	106	—	"
	13	52	—	Capital Punishment abolished
	1	262	—	
	1	279	—	
	Nil	Nil	—	
	3	89	—	
	103	One in 106	6	One in 1,583

vision of the above Table (1805-1823) the numbers Executed are
ry description, the Returns not distinguishing separately the Execu-
g Forged Bank notes. In the latter division (1824-1837) the numbers
o were Convicted of the offences in the second column, while they con-



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APPENDIX.

No. 1.

Where any Magistrates of the Petty Sessions may be desirous of answering any questions individually, those answers should each be distinguished by the Initials of the Magistrate making them.

1. What is the extent and supposed population of the division for which you act?
2. What number of acting magistrates reside generally within your division?
3. State, as nearly as you can, the number of felonies and misdemeanours committed during the last twelve months within your division?
4. What proportion of the offenders has been apprehended?
5. Do the constables apprehend offenders without being specially applied to for that purpose?
6. To what causes do you ascribe the failure to bring the offenders to justice; and have such failures been ascribable in any cases to the inefficiency of the constables?
7. Are there any, and what peculiar facilities or inducements to the commission of crime within your division?
8. By what means, as you conceive, may they be removed?
9. In case of depredation in your division, is escape with the property easy; and is such property easily disposed of?
10. Is there reason to believe that the depredations committed within your division have been committed by persons who do not reside in it; if so, from what place or direction are they supposed to come?
11. Are there within your division any lodging-houses for trampers, vagrants, or mendicants, or any peculiar inducements to vagrancy or mendicancy?
12. Are these lodging-houses frequently inspected; and by what officers?
13. Are offenders frequently apprehended there?
14. Are there within your division any persons who have no visible or known means of obtaining their livelihood honestly, and who are believed to live by habitual depredation, or by illegal means? Will you state the numbers and supposed habits of such persons?
15. Are the beer-shops or public-houses within your division the subject of complaint; and are they, in point of fact, ill conducted?
16. Since the year 1829 have there been any riots or tumults within your division? if any, describe them and their supposed objects.
17. Since the year 1829 have there been any fires within your division? If so, specify their nature, and whether they were suspected to have been wilfully caused; and what were the effects so far as relates to the loss of life or property?
18. Was any efficient assistance rendered by the constables in arresting the progress of the fires, or in apprehending the offenders or suspected persons?

19. Since the same period have there been any malicious injuries committed on cattle or other property; and if so, what number?

20. Is there reason to believe that offences of any description within your division are much more frequent than any official information would give reason to suppose?

21. What is the number of constables in your division, and how are they appointed?

22. From what class of persons are they usually selected, and are they permitted to provide substitutes?

23. What description of persons usually serve as substitutes?

24. What is usually paid to them by the principal?

25. Have the persons serving as substitutes any other emoluments or inducements to serve the office?

26. Have constables or their substitutes a competent knowledge of the law with relation to the duties of their office?

27. Are their connexions or interests such as might tempt them to connive at illegal practices, or cause them to be less active than they ought to be in the performance of their duty?

28. Can you ascertain, by examining competent persons who have served the office of constable, what is the annual cost on an average to the public, and the individual, of the services of a constable during the year?

29. Does any nightly patrol appear to be requisite within your division?

30. Do the high roads in your division require patrolling?

31. In case of the commission of any offence, are there any public means of promptly spreading information or of pursuing the offender? Describe the means, and specify the extent of district over which such information can be carried; in what time, and at what cost.

32. In the case of the occurrence of any riots or tumults, what means are available for their suppression, and for the apprehension of the offenders; and do you find any difficulty in securing the prompt attendance of a sufficient number of persons to act efficiently as special constables for the protection of your division?

33. In case of need, are there any and what means of co-operation between your division and other divisions in the same or different counties?

34. Are there within your division any, and what class of persons, such as army pensioners or others, who may be relied upon for trustworthy service as special constables?

35. Is any difficulty or delay experienced in the service of warrants, or the execution of processes, or in the performance of their duties, civil and penal, by constables as at present appointed within your division? If so, specify the difficulties and their consequences.

36. Do any delays or obstructions arise from constables being restricted from acting beyond their immediate district?

37. Are there within your division any, and what number of officers paid to keep the peace or give their whole time to the execution of their duties as constables? If so, state what is the whole expense of maintaining them, including their salaries and equipments; the authority under which they are appointed, and the fund out of which they are paid.

38. On the apprehension of any offender, to what distance is it requisite to take him to a magistrate?

39. In case a prisoner is remanded for further examination, in what place and manner is he secured; and to what distance is it necessary to send him to a place of legal confinement?

40. In case he is committed for trial, what is the distance of the prison to which he must be sent; and what is the expense of his conveyance thither, including maintenance?

41. Is any, and what part of the procedure before trial, the subject of complaint on account of trouble, delay, and expense? If so, specify their effect in inducing persons to withhold information or otherwise.

42. Supposing it desirable to appoint paid constables to give their whole time to the performance of their duties, what other useful functions might be assigned to them?

43. How many paid constables do you consider would be requisite in your division?

44. Are their any voluntary associations for the protection of property or the prosecution of offenders within your division? If so, describe them, and state their effects in preventing crime.

45. Is there within your division any voluntary association for the suppression of vagrancy and mendicity? If so, state its effects.

46. What proportion of the expenses now incurred by the public in the apprehension and prosecution of offenders do you conceive might be saved by the establishment of a more efficient preventive force?

47. Do any and what additional means appear to you to be desirable in your division for increasing the actual security, and the sense of security to person and property?

48. Have you any other information to give or suggestions to offer in furtherance of the objects of this commission?

Signatures of the magistrates who make the answers . . . . . .

No. 2.

Where any Member of the Watch Committee may be desirous of answering any questions individually, those answers should each be distinguished by his Initials.

1. What is the extent and population of the borough?
2. Has there been a constabulary force formed under the provisions of the 5th and 6th Wm. IV. cap. 76?
3. State the entire number of the paid constables.
4. Are there any, and what gradations of rank in the constabulary?
5. Do they wear a uniform or distinguishing dress?
6. What is the pay of a constable of each class?
7. Is the clothing or lodging of the constables supplied? and if so, state the cost.
8. Are there any other emoluments received by the constables?
9. Is there any other expenditure for the purposes of police? If so, state the amount under the respective heads.
10. What is the total yearly cost of the police?
11. Are the appointments of the paid constables subject to the approval of the good behaviour of the individuals?
12. Were any of the appointments given to individuals employed elsewhere as paid constables? and if so, for what period were they had been so employed.
13. Do you find that you can now procure constables of good character, and competent to serve as given?
14. Be so good as to send a copy of the instructions given to the constabulary.
15. What effects have been produced upon these regulations? Specify the decrease in consequence.
16. Have you a record of cases in which the interference of the police was resisted?

17. To whom are offences or events requiring the intervention of the constables reported?

18. Do the paid constables report defects in the paving and cleansing of the roads, and in the lighting or watering of the borough; or do they superintend the performance of those duties?

19. Is it the duty of the paid constables to take steps for the removal of nuisances or obstructions?

20. Are they charged with the care of the fire-engines?

21. Is it their duty to inspect weights and measures?

22. Besides any of the functions above enumerated, do they perform any other duties than those which relate to the prevention of offences, and the detection of offenders?

23. What is the distance of the nearest town or village in which there is no establishment of paid constables?

24. Do you find any, and what evils arise from there not being any paid or constabulary force in the villages or rural districts adjacent to the borough?

25. Are there within your borough any lodging-houses for the reception of vagrants or trampers; or any houses which are places of known resort of thieves, or habitual offenders against the law?

26. Is there reason to believe that the depredations committed within the borough have been committed by persons who do not reside in it? If so, from what place or direction are they supposed to come?

27. Is there any local paper periodically published in the nature of Police Gazette or Hue and Cry, for making public all crimes that have been committed, and giving a description of the guilty or suspected persons?

28. Is there any mode established for communicating such intelligence to other places?

29. Are there any, and what arrangements made for pursuit of offenders escaping from the borough?

30. Or for capture of persons coming within the borough who have committed offences elsewhere?

31. Are there within your borough any persons who have no visible or known means of obtaining their livelihood honestly, and who are believed to live by habitual depredation, or by illegal means? Will you state the numbers and supposed habits of such persons?

32. To what causes do you ascribe the failure to bring the offenders to justice?

33. Is any, and what part of the procedure before trial, the subject of complaint on account of trouble, delay, and expense? If so, specify their effect in inducing persons to withhold information or otherwise.

34. Have you any lock-up houses or places of detention?

Signatures of the persons making the above answers . . .

No. 3.

Guardians may be desirous of answering any questions any of the [illegible] answers should each be distinguished by the individually, tho[illegible] making them.
the Guardians.

[illegible] population of the parish or union at and supposed [illegible]
given?

of felonies and misdemeanours, the number within your parish or for the twelve months [illegible]

any improvement [illegible] the new constabulary for the payment of a sufficient number of paid constables for the parish, and where they have been employed by any General Instructions [illegible] any [illegible] or duties

3. What proportion of the offenders has been apprehended?

4. Do the constables apprehend offenders without being specially applied to for that purpose?

5. To what causes do you ascribe the failure to bring the offenders to justice; and have such failures been ascribable in any cases to the inefficiency of the constables?

6. Are there any and what peculiar facilities or inducements to the commission of crime within your parish or union?

7. By what means, as you conceive, may they be removed?

8. In case of depredation in your parish or union, is escape with the property easy; and is such property easily disposed of?

9. Is there reason to believe that the depredations committed within your parish or union have been committed by persons who do not reside in it; if so, from what place or direction are the depredators supposed to come?

10. Are there within your parish or union any lodging-houses for trampers, vagrants, or mendicants, or any peculiar inducements to vagrancy or mendicancy?

11. Are these lodging-houses frequently inspected; and by what officers?

12. Are offenders frequently apprehended there?

13. Are there within your parish or union any persons who have no visible or known means of obtaining their livelihood honestly, and who are believed to live by habitual depredation, or by illegal means? Will you state the numbers and supposed habits of such persons?

14. Are the beer-shops or public-houses within your division the subject of complaint; and are they, in point of fact, ill conducted?

15. Since the year 1829 have there been any riots or tumults within your parish or union? If any, describe them and their supposed objects.

16. Since the year 1829 have there been any fires within your parish or union? If so, specify their nature, and whether they were suspected to have been wilfully caused; and what were the effects so far as relates to the loss of life or property.

17. Was any efficient assistance rendered by the constables in arresting the progress of the fires, or in apprehending the offenders or suspected persons?

18. Since the same period have there been any malicious injuries committed on cattle or other property; and if so, what number?

19. Is there reason to believe that offences of any description within your parish or union are much more frequent than any official information would give reason to suppose?

20. Are the connexions or interests of the constables or their substitutes such as might tempt them to connive at illegal practices, or cause them to be less active than they ought to be in the performance of their duty?

21. Does any nightly patrol appear to be requisite within your parish or union?

22. Do the high roads in your parish or union require patrolling?

23. In case of the commission of any offence, are there any public means of promptly spreading information or of pursuing the offender? Describe the means, and specify the extent of district over which such information can be carried; in what time, and at what cost.

24. In the case of the occurrence of any riots or tumults, what means are available for their suppression, and for the apprehension of the offenders; and do you find any difficulty in securing the prompt attendance of a sufficient number of persons to act efficiently as special constables for the protection of your parish or union?

25. Are there within your parish or union any, and what class of persons, such as army pensioners or others, who may be relied upon for trustworthy service as special constables?

26. On the apprehension of any offender, to what distance is it requisite to take him to a magistrate?

27. Is any, and what part of the procedure before trial, the subject of complaint on account of trouble, delay, and expense? If so, specify their effect in inducing persons to withhold information or otherwise.

28. Supposing it desirable to appoint paid constables to give their whole time to the performance of their duties, what other useful functions might be assigned to them?

29. Are there any voluntary associations for the protection of property or the prosecution of offenders within your parish or union? If so, describe them, and state their effects in preventing crime.

30. Is there within your parish or union any voluntary association for the suppression of vagrancy and mendicity? If so, state its effects.

31. Is there within your parish or union any local Act in force giving peculiar police powers?

32. What proportion of the expenses now incurred by the public in the apprehension and prosecution of offenders do you conceive might be saved by the establishment of a more efficient preventive force?

33. Do any and what additional means appear to you to be desirable in your parish or union for increasing the actual security, and the sense of security to person and property?

34. Have you any other information to give or suggestions to offer in furtherance of the objects of this Commission?

Signatures of the Guardians answering questions individually . . .

No. 4.

Early Regulations for the Conservancy of the Peace, stated by J. Duffus Hardy, Esq., Deputy Record Keeper of the Tower.

The conservancy of the peace, during the Anglo-Saxon era, was lodged in the sheriff, an officer chosen in the folkmote, by the freeholders of each county. This officer made half-yearly visitations, at Lady-day and Michaelmas, to each hundred in the county.* The visitation was called the Sheriff's Tourn. In every hundred there were ten decennaries, each composed of ten freeholders, all of whom were reciprocally pledges for each other within their decennary, to satisfy justice, in case of delinquency. Moreover, in each decennary, one was chosen as the chief of his nine companions; and the whole together were bound to bring the delinquent to justice within thirty days. If the men of the decennary to which the delinquent belonged could not purge themselves of the guilt and flight of the delinquent, and in case the estate of the latter were not sufficient to satisfy the ends of justice, then they themselves were liable to discharge the same out of their own estates or property.

To the visitations of the sheriff every freeholder, with his servant or servants, after he had passed the age of 12, was compelled to resort, where

* The hundred court was holden every month, but the sheriff visited it only every six months. The inhabitants of counties were too numerous to meet upon every occasion, and many occasions were too insignificant to put the whole county to the expense and trouble of attending. The hundred consisted of 100 neighbouring freemen in the county, amongst whom one was chosen, called the centgrave, or lord of the hundred; to him was consigned the government of the hundred, and to him they also granted a stipend, called hundredsettena. King Alfred is said to have added 12 others of the same hundred to assist the centgrave in its government. This was what constituted the hundred court, which met once every month.

he was sworn to keep the peace, and obliged to state to what decennary he belonged. Thus every subject in the kingdom was registered, and no person suffered to remain therein who was not so registered. Neither could any one even depart from his dwelling without the consent of his fellow pledges, nor out of the county without the consent of the sheriff.

By these admirable regulations peace was preserved within the realm, and robberies, thefts, tumults, riots, and other felonies, seldom escaped detection; and in case of the escape of an offender, the sheriff, with the "posse comitatus," which attended at his beck, could raise a whole county, and soon capture the delinquent, upon whom summary punishment was inflicted, according to the nature of the offence.

Infractions of the peace were punished by fines, called fightwitt, grithbrece, or frithbreck, and delinquents moreover were ordinarily compelled to put in sureties for their preserving the peace in future. If there were more than one delinquent, the fine was increased according to the number; if seven, it was called a riot, and the fine was then called flothbote; if thirty-five, or more, then it was deemed a rebellion.

The law of free pledges or decennaries suffered a severe shock from the Norman invasion; but the advantages of such a system were too apparent not to render the early kings of that race anxious to preserve them as part of the means by which they hoped to unite the Saxons and Normans in bonds of brotherhood. The Conqueror, in one of his laws, directs, that every freeman shall be under pledges to satisfy justice in case of delinquency; (Ll. Guil. c. 64,) and Henry I. orders, that over every nine pledges there is to be one in authority; also, that view of frankpledge must be, to see that the decennaries are complete; if any one be departed from either of them, to inquire the cause; and if any one be come in, whether such person be under pledges or not.

The Normans themselves, as far as it was compatible with their interests and convenience, favoured the monthly hundred courts, but the sheriff's half-yearly visitation or tourn was not much regarded, owing probably to its interference with the comfort of that officer, who was generally if not always a Norman, and no longer elected by the freeholders, at folkmote, but appointed by the king.

Notwithstanding the ordinances of the Norman kings to insure the conservancy of the peace through the medium of free pledges, it is evident that those laws were disregarded by Saxons as well as Normans; for how could it be reasonably expected that people so diametrically opposed to, and entertaining so thorough a dislike for each other, would cordially unite in common offices of friendship, or even of mutual intercourse?

That the Saxon laws of frankpledge soon fell into desuetude, is apparent by King Henry I. having established justices itinerant, empowering them, by royal commission, to exercise in his name various powers, and to take cognizance of many matters that had thentofore attached to the sheriff's court.

From that period the preservation of the public peace has undoubtedly resided in the Sovereign, as will be established by the instances hereinafter given, of the Parliament's acknowledging, and the King's claiming and enjoying that prerogative in despite of some attempts of the Parliament to arrogate such power to itself. But to the King, as the fountain both of justice and honour, belonged not only the execution of justice upon delinquents, but also the prevention, if possible, of offence or delinquency. The power to do both, though distributed and confided to different officers, as their appropriate duties, was therefore still exercised in his name, anciently by the sheriff, and afterwards by the justices itinerant, (whose appointment took away from the sheriffs the power of hearing and determining causes at his tourn as he had formerly done,) and eventually by the justice of the peace.

Amongst the numerous Anglo-Saxon laws and customs revived and en-

forced by King John's Magna Charta, that of *frankpledge* is not to be found, but seems to have been forgotten, as no mention is made of it either in the articles the Barons demanded of the King, or in those the King granted. Perhaps, however, it was purposely omitted, for, by the 17th chapter, the jurisdiction exereised by the view of frankpledge over all pleas of the Crown was taken away, and such pleas were sent for trial before the King's justices; the frankpledge only retaining jurisdiction over common nuisances.

In the second great charter however of Henry III. the view of frankpledge is ordered to be holden every Michaelmas term, that tything may be kept, as it had been accustomed; and (continues the charter) "*Fiat autem visus de 'frankpleg' sic videlicet quod pax nostra teneatur.*"

A few years afterwards (20 Henry III.) the statute of Merton, c. 10,* (allowing suitors of the Sheriff's Court to appear by proxies, who were to act and vote as principles in all things, public as well as private,) rendered freemen less tenacious of their rights and interests, and to become gradually ignorant or careless of them. If any strict rule be once relaxed, even but in one particular, it is more than probable that there will be a gradual decrease in its observance, until at last it become difficult to enforce any portions of it; and such was the case with the law of frankpledge, for, although Henry III. did, in three of his great charters, and even in the one granted in the 39th year of his reign, ordain that the accustomed sheriff's tourn and frankpledge should be holden according to ancient usage; yet, if it were so holden, it does not seem to have been then an efficacious mode of preserving the public peace, as may be inferred from the following document:

"The King† to Alured de Lincoln, Ivo de Rocheford, John de Stroda, and William de Kaymes, of the county of Dorset, greeting: Whereas, in our Parliament lately holden at Oxford, it was ordained, that all excesses, transgressions, and injuries, done in our realm, should be inquired into by four knights of each county, that (the truth thereof being known) those offences might be more easily corrected; which same knights should take their corporal oaths, in the full county court, or (if such county court be not speedily held) before the sheriffs and coroners; as we have enjoined all our sheriffs faithfully to take such inquisition as aforesaid, we command you, by the fealty you owe us, that, having yourselves first taken the oath beforementioned, by the oaths of good and lawful men of the county aforesaid, from whom the truth can be best obtained, you diligently inquire concerning all kinds of excesses, transgressions, and injuries, in the county aforesaid, by whomsoever and upon whomsoever lately perpetrated; and this as well concerning justices and sheriffs as our bailiffs and other persons whatsoever. And such inquisition, under your own seals, as well as those of the jurors, you shall bring to Westminster, in the octaves of St. Michael, to be delivered by our own hands to our council there. Moreover, we have commanded our sheriff of the aforesaid county, that, having taken your oaths in form aforesaid, he cause good and lawful men, by whom the said inquisition may be best made, to come before you, at such days and places as you may appoint."

Four knights were appointed in each county for the same purpose.

This mode of inquiring into and preserving the peace was first shadowed out by King Henry I. in his appointment of justices itinerant,‡ which, being afterwards confirmed and extended by the Magna Charta of King

* By stat. Merton, c. 10, it is provided and granted, that freemen who owe suit to the county, tything, hundred, or wapentake courts, may freely make their attorneys to act for them. † Patent, 42 Hen. III. m. 3.

‡ It was determined, in the 47th Hen. III. that, according to the laws and customs of the realm, no county or hundred court ought to be holden in any county during the presence there of the King's justices itinerant in the execution of their duty.—Placita coram Justic. 47 Hen. III. Rot. 4.

John, (ordering that the cognizance of pleas of the Crown should be in his justices,) deprived the sheriffs of that portion of their duty, which it seems had not been properly enforced, namely, the punishment of contemners of the peace.

But the severest blow given to the view of frankpledge was that of the statute of Marlborough, passed in the 52d Henry III.,* which discharged the baronage and clergy from their attendance at that court, unless their appearance there was particularly required, and forbade the itinerant justices to amerce townships, on account of persons above the age of 12 years not having been sworn.

The encroachments upon the view of frankpledge were not, however, found to work well; and, to use the words of the statute† made about nine years after that passed at Marlborough, viz., "Forasmuch as the peace of this realm hath lately been weakly kept, for lack of quick and fresh pursuit after felons, as hath been hitherto the custom;" the Legislature was obliged to provide remedies for some of the evils which had arisen from the non-observance of the Saxon view of frankpledge. For instance, c. 9, though making no allusion to the Saxon custom, yet enforces it, by commanding all persons to be ready apparelled at the commandment of the sheriffs, and with hue and cry to pursue and arrest felons. Concealment or neglect of apprehending felons was also to be punished by fine and imprisonment; and no notorious felon, or such as were known to be of evil fame, were to be admitted to bail.‡

But as evils were daily increasing in the kingdom, it was found to be necessary in the following year (4 Ed. I.), for the relief of the people, and speedy administration of justice, to appoint certain justices to hear and determine special offences (many of which had been formerly disposed of at the sheriff's tourn) as well within franchises as without.

This Act undoubtedly produced the first germs of the office of justice of the peace, and, combined with the powers given by Magna Charta to justices itinerant, left but little judicatory power in the sheriff's tourn regarding matters against the peace, and rendered his inquisitory power less efficacious.‖

Be this as may, the statute of Winchester¶ (passed in the 13 Edward I.) soon reduced almost to a nullity the little yet remaining of the view of frankpledge;** as, by that statute, the conservancy of the peace was first lodged in, and intrusted to justices, specially authorized to inquire thereof.

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* Stat. Marl. c. 10, c. 24.] † Stat. Westm. I. c. 9, (3 Edw. I.) ‡ c. 15.

§ Stat. de Justic. assign. quod vocatur Rageman.

‖ The rank or grade in society of these conservators of the peace is of itself sufficient to prove that their office was considered as one of great trust, and only to be confided to distinguished individuals, as

Edward, Earl of Cornwall, was appointed conservator of the King's peace for the counties of Middlesex, Essex, Hertford, Cambridge, Huntingdon, Norfolk, Suffolk, Kent, Surrey, Oxford, Bedford, Bucks, Berks, Northampton, Lincoln, and Rutland; and the various sheriffs, nobles, knights, and other persons in those counties, are commanded to assist the Earl, and those whom he shall depute under him to keep the peace.—Rot. Walliæ, 10 Edw. I. m. 9.

Richard de Amundeville was in the same year appointed conservator of the peace, together with the sheriff, in the county of Warwick; but the sheriff was to take counsel and direction from Richard de Amundeville as to what he did for the better preservation of the peace.—Rot. Pat. 10 Edw. I. m. 8.

Besides the above exalted personages, others were commissioned in the same year to go into counties, for the purpose of making inquiries concerning those who were indicted for infractions of the peace, and other offences, and of apprehending all those found guilty, and delivering them to the sheriff, to be kept in ward until the King should further direct.—Rot. Pat. 10 Edw. I. m. 13, d.

¶ Stat. Winton, 13 Edw. I.

** Should further information be required relative to the view of frankpledge, it can be supplied.

The preamble of the statute recites that, when murders, arson, robberies, and thefts were committed, the inhabitants of counties were more willing to excuse offenders than to punish injuries done to strangers; and that if a felon were not himself an inhabitant of the county wherein the offence was committed, yet the receiver of the stolen goods frequently was, which produced the same partiality in juries, who consequently did not render proper satisfaction to the party plundered. It therefore enacted that, "in case of robbery or felony committed, and the delinquent being not forthcoming or undiscovered, the whole county or hundred should be held accountable;" thus taking away from juries all inducement to spare their countrymen when indicted.

To prevent the concealment of robbers in towns it was also enacted, that suspected persons were not to be entertained or harboured by an inhabitant, unless he gave security for them. The gates of all walled towns were to be shut from sunset to sunrise. A watch was appointed, who were to arrest all strangers. Thus a passenger would be apprehended and detained all night, and if a suspected person, delivered over to the sheriff; and upon an escape, the party was to be pursued with hue and cry. Highways through every lordship were to be kept clear for the space of 200 feet, from hedge to hedge; and no bushes, woods, or dykes, in which felons could lie concealed, suffered. Every man between the age of 15 and 40 was to have arms in his house for preserving the peace; and constables in every hundred and every franchise were to have the view of such arms.

The enactment, that every person between 15 and 40 should have arms in his house for preserving the peace, and that constables should have the view of them, and present defaulters to the justices, who were to certify the same to the King, seems to imply that, previously to that Act, no law or custom was known to be in existence against any person for default of arms; and to have been the first instance of a power given to officers to enter a house in order to see if a Parliamentary regulation were put into execution. This clause must have given the Crown an immense power, as, under the plea of protecting the country from robbers and felons, it had thus secured a powerful militia.*

The following instances will further prove that the power of making laws for the maintenance of the peace resided in the King solely, and that the Parliament only enacted his directions, whatever they might be, into laws. The means he adopted for the conservation of the peace was empowering Commissioners to act according to specific instructions, viz.:—

The sheriffs, throughout England, are commanded to keep the peace in their bailiwicks, as they are especially bound to do; and to instruct all bailiffs, as well within liberties as without, to be diligent in preserving the public peace, according to form of the statute.—Rot. Claus. 14 Edw. I. m. 1.

Commissioners were appointed to inquire, by the oaths of knights and other good men in the county, concerning peace-breakers and other offenders; and to arrest and send them to prison, there to remain until the King should further direct.—Rot. Pat. 14 Edw. I. m. 25.

By letters patent, the King, addressing the men of Kent, informs them that various offences, such as robberies, arson, and manslaughter, have been perpetrated against his peace in the county, which they and their sheriff are especially bound to maintain; and that it is manifest, had they performed their duty, those misdoings could not have existed. They are therefore commanded to assist the sheriff, to the best of their power, to keep the peace, as well by his own power as by the posse comitatus: for it is his office to do so.—Rot. Pat. 14 Edw. I. m. 25.

In the 15th year of the same reign various knights were appointed in

* The statute, called Statutum Civitatis London (passed in the same year) states many of the evils arising from infractions of the peace, and supplies remedies for the same.

every county to see and inquire into the observance of the statute of Winton, made for the conservation of the peace.

I have just stated that the Commissioners appointed were knights, consequently men of substance; for it is to be remembered that it was a landed qualification that then rendered such persons eligible; in proof of which it appears that a Lawrence Basset was one of the knights appointed for the conservation of the peace in the county of Sussex, but because "terræ et tenementa prædicti Laurentii in comitatu prædicto sibi non sufficiant ad commorandum ibidem ad hujusmodi officium in partibus illis exequendum," another knight in the same county is appointed in his room. In the same year two persons, Roger Bacheworth and Thomas Peverel, who had been appointed by the King, were also removed from that office on account of their being too old and infirm to exercise its duties properly.

Thus it is apparent that, by the statute of Winton, the principal features of the decennary law or regulation were much altered, the whole structure of that admirable Saxon constitution undermined and shaken, and a new fabric was rising fast upon its ruins. That the change was by no means congenial to the feelings or taste of some of the people was soon evident from the petition of the men of Cheshire* to King Edward I., desiring they may not be burthened more than others in maintaining peace officers, as they are compelled to do in consequence of the statute of Winton. To this petition the King makes answer, that he will not change the law nor revoke his statutes.

Notwithstanding the enactments at Winchester, the new laws concerning the conservancy of the peace were not effective; for within two years afterwards, royal Commissioners were sent into each county to ascertain who had not observed the said statute; and sheriffs were directed to summon juries to assist the Commissioners in their inquiries; and in the 28th year of the same reign it was found necessary to enforce them further, as thus:—"And forasmuch as there be more malefactors in the realm than wont, and that robberies, burnings, and manslaughters are committed out of measure, and the peace little observed, on account of the statute which the King not long since caused to be made at Winchester, the King wills that the same statute be sent again into every county to be read and proclaimed four times in the year, and kept in every particular as strictly as the great charters, upon pain of incurring the penalties therein limited. And for the observance and maintenance of this statute, three knights shall be assigned in each shire, to redress whatever has been or is doing against the said charter." And this appears to have been the next advance of power intrusted to those justices, who afterwards were denominated justices of the peace.†

On the patent roll of the 33rd year of the same reign, those justices, whom the King had appointed to inquire into, hear, and determine divers felonies and infractions of the peace, are fully instructed how to proceed; and they are directed to allow such as are guilty of light and personal transgressions against the peace to be conditionally admitted to mainprize.

Immediately after the accession of Edward II., Commissioners were appointed in every county (of whom the sheriff was one) as conservators of the peace. The commission states, that the King (wishing his peace to be inviolably observed during his absence from England) directs that the conservators thereof shall constantly reside in their respective counties, and visit all parts thereof, as well within liberties as without, whenever it shall

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* 18 Edw. I. No. 67.

† As early as the 35th year of Edward I. it is evident that these conservators of the peace were also called justices of the peace, as is evident from the following document:—"Edward par la grace de Deu, &c. Pur ceo qe nostre feal e loial peres de Maulay est entendaunt a nostre service EN OFFICE DE JUSTICE DE LA PES, vous mandoms, &c."—Rot. 35 Edw. I. 45 a.

be thought necessary to do so for the better preservation of the peace; that the statute of Winchester, in all its articles, and all matters grounded thereon and writs issued by Edward I., shall be strictly observed; that, if any disturbances take place, the conservators are to raise the "posse comitatus," arrest the offenders, and keep them in custody until the King shall further direct; that proclamation be made for the coin to be according to the standard of Edward I.; that, for the better enforcing of the proclamation, in all cities, boroughs, and market towns, the conservators shall appoint two citizens in cities, two burgesses in boroughs, and in every market town two lawful men, who shall be sworn to enforce this commission in their respective places of abode; that persons infringing this ordinance, forestallers, and monopolizers, shall be arrested and kept in custody until the King shall further direct; and that, in London, the mayor, aldermen, and sheriffs be appointed the conservators of the peace.* .

Shortly afterwards commissioners were appointed throughout England, with the sheriff of each county, as conservators of the peace "*durante bene placito*;" the statute of Winchester ordered to be proclaimed and strictly observed; offenders to be pursued by the conservators with the "posse comitatus" from hundred to hundred, and from county to county, and taken into custody. All bailiffs and constables, deputed in townships and hundreds, to be strictly enjoined to use their best endeavours for the conservation of the peace, or to become liable to imprisonment, and to heavy fines by the King, before their liberation. All disobedient persons to be arrested and kept in ward until the King shall further direct. Proclamation to be made concerning the currency and the taking of prizes; and that all persons taking prizes after proclamation, excepting those excepted in the proclamation, shall have hue and cry raised against them, and shall be arrested and committed to prison as disturbers of the peace, there to be detained, &c. The mayor, aldermen, and sheriffs are to be conservators for the city of London.†

In the same year justices were appointed throughout England to try persons indicted as forestallers before the conservators of the peace appointed by royal commission;‡ and, in the fourth year of the same reign, they are directed to inquire whether the sheriff, or other of the King's officers, have bailed offenders upon their own authority; and the justices are to inflict heavy penalties upon such offenders.§

Next year writs were addressed to every sheriff in the country, in which it is stated that certain persons assert their being empowered to act as keepers of the peace, though not appointed by the King, but by some other authority, at which the King is much surprised, SINCE THE APPOINTMENT OF SUCH KEEPERS OF THE PEACE BELONGS TO THE KING AND TO NO ONE ELSE. The sheriffs are therefore commanded to make inquiry, in the most secret and discreet manner they can, as to who are the persons thus taking upon themselves to act as keepers of the peace, by virtue of commissions, other than those of the King. They are also to ascertain their names, and the forms of such commissions, and to inform the King thereof. Proclamation is then ordered to be made, that the King's peace be firmly kept; all trespassers to be pursued and punished, and all persons to attend upon and obey the keepers of the peace appointed by the King, and no others.‖

In the seventh year of the same reign the mayor and sheriffs of London were appointed conservators of the peace, pursuant to the statute of Winchester, with the usual powers of arresting felons, and committing them to prison, there to remain until delivered by due course of law:¶ and similar commissioners are appointed conservators of the peace throughout England.

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* Rot. Pat. 1 Edw. II. p. 1, m. 3.
† Rot. Pat. 1 Edw. II. p. 2, m. 21.
‡ 17 March, 1 Edw. II.
§ Rot. Pat. 4 Edw. II. p. m. 21 and 15.
‖ Rot. Claus. 5 Edw. II. m. 7, d.
¶ Rot. Pat. 7 Edw. II. p. 2, m. 14.

Conservators are also to make monthly returns to the King's Council at Westminster of their proceedings, and of the names of offenders; and persons arrested, and committed to prison, are not to be liberated without the King's special command.*

Two years afterwards it is declared in Parliament that the King by his oath is bound to preserve the peace. "*Idem dominus Rex, qui ad conservationem pacis suæ et quietum populi sui ubique conservandum pro viribus est astrictus vinculo juramenti, volens malis hujusmodi obviare decimo die Marti anno regni sui nono mandavit, &c.*"†

In the 13th year of the same reign letters were addressed to all conservators of the peace, appointed by commission of the 13th April, 7 Edw. II., reciting the substance of their commissions, and informing them that the King had been given to understand that evils and disorders had greatly increased, on account of the conservators having doubted whether their duties had not ceased upon the King's return from Scotland. They are then ordered to proceed forthwith in the execution of their commissions, and if found remiss, to be visited with the King's displeasure.‡

The King, next year, at the supplication of the knights, citizens, and burgesses, assembled in Parliament, ordained that all persons indicted before the custodes pacis, for homicide, arson, or other felonies, and found guilty, should be punished according to the laws of the land, &c.§

In the same year, the commonalty of the county of Buckingham petition the King, that Robert Fitz Neel, or Ralph de Weedon, may be appointed, with Philip de Aylesbury, "custodes pacis," in that county, because William la Zousche, who was first appointed, refuses to act in that office. They also petition, that the said Ralph de Weedon and Robert de Ashley may be appointed justices of gaol delivery.

The King answers, "Go to the chancellor and treasurer, who will ordain what is expedient in the case."‖

The ensuing year special conservators of the peace were appointed to several hundreds in Essex and Hertfordshire, to stop all suspicious persons, and disperse all illegal assemblies, and to deliver offenders to the sheriff or his deputy, to be kept in custody until the King should further ordain. All persons whatsoever to obey the conservators; and to the end that watch and ward might be better kept, the conservators were empowered to defray their own charges, and those of the persons whom they shall appoint as the patrol, by an assessment upon the inhabitants holding lands and tenements within the hundreds. The special conservators are in all things to be obedient to the chief conservators of the peace in the county.¶

From this instrument, as well as from various entries in the city records, it would seem that although the King appointed his own commissioners for the preservation of the public peace, yet he properly abstained from nominating the subordinate peace-officers, as constables, &c., or interfering with their appointments. For if he had done so, it would have been impossible for his Commissioners to have exercised that authority and control over such officers in the same manner as when such are appointable and removeable by themselves alone.

The office of keeper or conservator of the peace, in the reign of Edward III., assumes a character of high importance.

Immediately after the accession of this monarch the Commons beseech the King to appoint good and loyal men to keep his peace, who replied, that they should be chosen by his council;** and in the 16th chapter of the second statute it was ordained, "For the better keeping and maintaining of the

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* Rot. Pat. 7 Edw. II. p. 2, m. 6.
† Rot. Parl. 9 Edw. II. m. 5.
‡ Rot. Claus. 13 Edw. II. m. 25, d.
§ Rot. Parl. 14 Edw. II. No. 5.
‖ Petit, in Parl. 14 Edw. II. No 19.
¶ Rot. Pat, 15 Edw. II. p. 1, m. 7, d.
** Petit, in Parl. 1 Edw. III.

peace, the King wills, that in every county good and loyal men shall be assigned to keep the peace;" and thereupon he issued his commissions, appointing conservators of the peace in every county, giving them the usual power of making inquests, with the additional one of levying fines on those who should neglect to come, when summoned, before the conservators, and on those who should oppose or impede them in the discharge of their duty.

These newly appointed officers, "keepers of the peace," had (by the statute of Northampton, c. 3,) the power of Oyer et Terminer, in matters relative to riding or going armed in affray of the peace; and two years afterwards* they had the further power of inquiry by indictment, but there were still justices appointed to hear and determine upon the offence of the felon and peace-breaker, independently of the conservators of the peace, a practice which continued down to the 34th of Edward III.

In the Parliament holden at Westminster, in the 6th Edward III.,† the King states that, as the conservation of the public peace was one of his principal inducements to assemble his Parliament, he charged it to counsel him as to the best means of maintaining his peace. The prelates having declared that it did not appertain to them to counsel the King in matters touching his peace and the punishment of malefactors; the Lords and Commons then advised that a further supply of great men in each county be added to those already in the King's commission, as keepers of the peace, with power of "Oyer et Terminer," and of punishing offenders against the Statute of Westminster; and that sheriffs and other officers, with the constables in each county, shall assist the said keepers of the peace, and in levying the hue and cry; and the King, by his commission, dated 12th of February in the same year,‡ appoints conservators of the peace throughout the whole country, and directs the Commissioners to be particular in arresting peace-breakers, &c., according to the Statutes of Winton and Northampton, made for the conservation of the peace. In these new commissions the conservators are also appointed justices, to hear and determine offences made against those two statutes.

In the Parliament holden at York, in the 8th year of the same reign, the Commons petition the King to appoint in every county one learned in the law, to be chief, as a justice of the peace,§ and that all offences before them (the justices) be sued to outlawry; and that such justices do yearly give in an account of their doings before the King. To this petition the King replies, that he will be advised thereon, but that they shall send in an abstract of their proceedings to the treasurer annually.

The petitioners also pray, that all justices of the peace may have some certain fee; to which the King answers, that he will provide therefor. Also it is ordered, that justices of the peace in every county, with the justices of the benches, and justices of assize, shall determine concerning false jurors and maintainers.

In some of the commissions for the conservancy of the peace issued during this‖ year, it is stated that the King with his magnates, in council of Parliament, then sitting at Westminster, is considering what is most expedient to be done for the better conservation of the peace. He, however, appoints conservators with the usual powers, and also allows them to appoint certain persons to assist them until the King shall ordain further. That he paid no further attention to the petitions of his Commons on this matter, may be inferred from the fact, that the commissions issued did not contain any of the clauses wished for by the Commons.

At a Parliament summoned to Westminster in the 13th of the same

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* Stat. 4 Edw. III. c. 2.

† Rot. Parl. 6 Edw. III.

‡ Rot. Pat. 6 Edw. III. p. 1, m. 22, d.

§ Rot. Parl. 8 Edw. III.

‖ Rot. Pat. 8 Edw. III. p. 1, m. 13, in dorso.

reign,* when Edward III. was in France asserting his claim to the throne of France, it having been stated by the Custos Regni, that the conservation of the public peace was one of the principal objects in summoning Parliament; the Commons said that they considered the keepers of the peace to have sufficient power in their commissions to restrain all violators of the peace, but if unable or insufficient of themselves, to quell such, they are then to call others to their assistance, by the advice of the knights of their shires; and that such as are admitted to mainprize, do put in good securities, as esquires or gentlemen, according as the case may require.

The Parliament, in the 18th year of the same reign,† recommends the King to appoint persons of the best reputation in each county to be justices of the peace; and that they, with others learned in the law, shall hear and determine felonies and trespasses done against the peace, and inflict reasonable punishment according to law. To which prayer the King assented; and it was so enacted, as the second chapter of the statutes‡ of that year show.

The commissions issued in this year do not contain the Oyer and Terminer clauses sought for in the petition;§ but, in the commission for Cornwall, the Commissioners have the further power, or rather are also appointed justices, to hear and determine matters concerning the peace.‖ This commission is said to have been issued at the petition of Parliament. A similar petition was likewise issued from Oxford, which also appointed the custodes pacis justices of Oyer and Terminer for that special time;¶ and from this up to the 34th year of the same reign, the King, in his commissions to the conservators of the peace, frequently invested them with the additional power of hearing and determining the felonies of those whom they had already committed to prison.

In the 20th year of the same reign, the Commons again pray, that the best men of every county may be made justices of the peace, with power to decide upon all felonies. The first point the King grants; but, as to the second, replies, that he will appoint learned justices, according to the ordinance respecting them in the last Parliament.

Again, in the next year,** the King charges the Commons to advise him how the peace of the land may be better sustained; who answer, that men in each county should elect six persons from amongst the most wealthy and loyal persons therein; that two of such persons should be great men, two knights, and two lawyers; and that full power should be given to them by royal commission to hear and determine felonies and trespasses, and other points touching the conservancy of the peace; seeing that such persons, from their being resident in the county, were likely (to the greater ease and less grievance of the county) to punish felonies and trespasses in a better manner, and more frequently than other justices non-resident therein.

The King made no answer to this recommendation; or probably, owing to its being the last thing done in that Parliament, it was not enrolled.

The Commons next year (22nd of the same reign) pray the King, in Parliament, that there may be two great men, knights of each county, and two men of the law, with commission to hear and determine offences against the peace; and that they be sworn in Parliament concerning such

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* Rot. Parl. 13 Edw. III. † Rot. Parl. 18 Edw. III.

‡ Stat. 18 Edw. III. c. 2, which enacts, that two or three of the most substantial persons in the counties shall be appointed guardians of the peace by commissions of the King; and whenever need may require, the same, with other wise and learned in the law, shall be assigned by the King's commission to hear and determine felonies and trespasses against the peace in the same counties, and inflict reasonable punishment, according to the nature of the offence.

§ See Rot. Pat. p. 2, 18 Edw. III. m. 35 and 40. ‖ Ibid. m. 31.

¶ Ibid. m. 8. ** Rot. Parl. 21 Edw. III.

matters loyally to hear, and determine, and inquire, at least three times a-year; and that a certain fee be ordained to them out of the issues proceeding from their commissions; and that the same justices do inquire concerning false money; also that good money be in no wise altered.

To this it is answered, that a reply was given in the last Parliament; but, on the Parliament rolls for the 21st of this reign, no such reply is to be found, as is before noticed; and, in the commissions to the conservators of the peace, no such powers are assigned to them as were requested by the Commons in the Parliaments of either the 21st or 22nd year.

In the 25th year of the same reign, it was ordered that no person should go armed, either in the city of London or Westminster, excepting those deputed to keep the peace.

By the statute of labourers,* justices are to hold sessions four times a-year, and at all times needful for the conservation of the peace; and in staple towns, the mayors and two constables are directed to keep the peace and to arrest all evil-doers in the staple, for trespass, debt, or breach of contracts; and imprison or otherwise punish them according to the law of the staple.

Again, in the 28th year of the same reign, the Commons petition the King on the subject of justices of the peace,† praying that such persons may be the most loyal, wise, and wealthy individuals of the counties wherein they reside; and that no justice be commissioned unless he have sufficient estate to answer to the King and the people in case of default; which petition being considered by the King as reasonable, he consented thereto.

The Commons, in the next year (the 29th), pray that no sheriff, nor others, having the custody of prisoners, be put into any commission of inquiry concerning trespasses, felonies, or other offences for which men are imprisoned; because sheriffs, constables, and gaolers have been so commissioned, and, under colour of such commissions, have unjustly indicted persons, and demanded heavy fines for their ransom. To this the King replied that, as to the first point in the petition, he wills that it be so ordained.

Between the 29th and 34th years of this reign (the Parliament rolls being wanting), it cannot be ascertained what was the nature of the petitions of the Commons to the King, which induced him to grant to justices of the peace the power of hearing and determining, at the King's suit, all manner of felonies and trespasses committed in the same counties, according to the laws and customs of the realm; since he had so often before either refused or evaded to do so.

However that may be, it was enacted, in the 34th year of this reign,‡ that in every county of England there should be assigned for keeping the peace one lord,§ and with him three or four of the most worthy persons in the county, with some learned in the law, who should have power to restrain pursue, arrest, imprison, and chastise offenders, according to the nature of their offences; and to hear and determine, at the King's suit, all manner of felonies and trespasses done in the same county, &c.; and to inquire|| concerning weights and measures, according to statute 26 Edward III., stat. 5, c. 9.

To a petition in Parliament (of the 36th year of this reign¶) by the Commons, praying the King that justices of the peace might have reasonable fees, and power to inquire, as well within liberties as without, into matters

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* Stat. 25 Edw. III. (stat. 2) c. 7. † Rot. Pat. 28 Edw. III. No. 25.

‡ Stat. 34 Edw. III. c. 1.

§ The word used for *lord* in the statute is seigneur; but it by no means signifies a peer or nobleman. It signifies nothing but a man of property, perhaps the lord of a manor.

|| Stat. 34 Edw. III. c. 5. ¶ Petit. in Parl. 36 Edw. III. No. 29.

concerning victuallers, regraters, and forestallers, as of labourers and of artificers.

The King answered, that he would inform his chancellor and treasurer of his commands.

But upon a petition of the same Commons to the King, that in his commissions to justices of the peace, and of labourers, he would make express mention that those justices were to hold sessions four times a-year, the King consented thereto; and in the Parliament it was enacted that, in the commissions of justices of the peace, and of labourers, express mention be made that the same justices hold their sessions four times a-year; and by the 14th chapter of the same statute,* justices of the peace are to audit the accounts of collectors of the triennial quinzieme, and compel them to make full distribution, according to the enactments of this statute.

In the Parliament holden the following year,† the Commons beseech the King to grant to those knights of shires, and citizens, and burgesses assembled in Parliament, power to elect persons as justices of the peace, and justices of labourers and artificers, and that the same persons so elected may not be amoved and others less sufficient placed in their stead; to which the King answered, that the Parliament might name such persons as they thought fit, but that he would appoint whom he pleased.

In the 42d year of the same reign, the Commons petition the King to ordain that commissions of inquiry, which had lately been intrusted to interested persons, should only be granted to judges, justices of assize, or justices of the peace. The King approved of this petition, excepting the office of escheater, and it was forthwith enacted accordingly by Parliament, forming the fourth chapter of the statutes of that year.

In the Parliament holden at Westminster, in the 50th year of the same regn, the Commons pray the King, that the justices of the peace may be named by Parliament, and be sworn before the King's council, as others are sworn; and that they may not be amoved without the assent of Parliament, which would be to the great advantage of the King; also, that they may be allowed reasonable fees. To this prayer the King made answer, that the justices should be named by the King and his continual council; but about their fees, the King would be advised.

In this Parliament the Commons also prayed the King to ordain, that sheriffs of counties and justices of the peace should (when they went to arrest certain rioters and put them in prison§) take with them the "posse comitatus," or be subject to a heavy penalty. The King replied that, with the advice of his great council, he would ordain a fitting remedy, but that the statutes upon this subject are to be duly observed. And, when the same Parliament besought the King‖ to order mayors and bailiffs of cities and boroughs to take and arrest all peace-breakers in hamlets adjoining walled towns, and commit them to constables or bailiffs, to keep in ward until they shall have obtained sufficient mainprize; the King answered, that he would take advice thereupon.

In the 51st year of the same reign, the Commons once more petition this King upon the subject of justices of the peace, praying the King to ordain, that justices of the peace shall not be allowed to make inquiry of matters which can be adjudged in any lord's leet, or view of frankpledge, or in boroughs having franchise: but only of matters touching the safeguard of the peace, and the improvement of labourers; and that their sessions be holden four times a-year, in places most convenient to the people.

The King made answer, that his statutes hitherto made could not be kept if he granted this petition.

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* Stat. 36 Edw. III. c. 14. † Petit. in Parl. 37 Edw. III. No. 19.
‡ Petit. in Parl. 50 Edw. III. No. 16.
§ This was during the civil commotion towards the end of the reign of Edward III.
‖ Petit. in Parl. 50 Edw. III. No. 166.

Such was the interest which Parliament took in the appointments of justices of the peace during the reign of Edward III.; and the King's answers to the petitions of the Commons prove, that he was resolute in not allowing any diminution of his prerogative of preserving the public peace.

The good resulting to all classes of people from the appointment of justices of the peace was very great; for, under the jurisdiction of those officers, many things (during the reign of Edward III. and of his grandson and successor, Richard II.) which would otherwise have been submitted to the decision of the King's council, or of the justices of the King's Bench, thus fell to the management of those justices of the peace; and the public, generally speaking, were of course better satisfied to trust their lives and estates to men of character and influence in their respective counties than to strangers.

Parliament, during the reign of Richard II. did not relax its interest in the appointments of justices of the peace, but exhibited nearly as much concern on that account as it did during the reign of his predecessor.

Upon his accession to the throne, Richard II. being then of such tender age, his council entirely governed the country, and performed for him various acts touching the regulation and maintainance of the peace; and the Commons soon commenced their petitions to the King in council of Parliament.

In that holden at Gloucester, in the second year of this reign, the Commons inform the King that, for the common profit of the realm, it has been ordained by statutes made in various Parliaments, that justices of the peace, and of labourers, victuallers, and artificers, should be assigned in every county, to hold sessions as often as need should be, and to punish offenders, &c., which justices, in many counties, do nothing beyond deducting their wages out of the fines and amerciaments, much to the damage of the King; and that evil-doers, &c., go unpunished. The Commons then pray, that the statutes affecting those offences may be duly observed, and offenders punished: moreover, that wages be assigned to the said justices for their sessions, and that sufficient justices and learned men be appointed in each county, to perform the proper duties of such justices.

To this petition the King answers: "Let two or three of the justices, who have held their sessions for the good of the King and his people, have the sixth part of the profits arising from their estreats for one year only."

In the same Parliament, the Commons further declare to the King, that, in various counties, sheriffs have been appointed, by the King's commission, justices of the peace in the same counties where they are sheriffs; and that, in their sessions of the peace, they cause persons to be indicted for felonies and trespasses for the purpose of exacting outrageous bail and fines to the great oppression of the people; the Commons therefore pray the King to ordain, that no sheriff shall be justice of the peace for the county of which he is sheriff.

To this the King answered, "Le Roi le voet."

Moreover, the Commons, in this same Parliament, supplicate the King for six or seven persons to be appointed, in each county, justices of the peace, of whom two are to be skilled in the law; and that they be firmly charged to hold their sessions, four times a-year at least, to hear, and determine, and punish offences against the statute, according to their discretion; also, that all justices who shall be present at those sessions have wages from the King for their days of attendance, to be paid them by the hands of the sheriffe of their respective counties; also, that justices of the peace, sheriffs, lords of manors, constables, and bailiffs, in each county, may have power to arrest vagrants, according to the statute, &c.; and that those who refuse to serve shall be committed to prison, &c.; also, that the said justices may be chosen, by the advice of the Lords and Commons in Parliament, from the most learned and wealthy in each county, who are able and willing continually to discharge the duties of such office.

To this petition the following answer was returned.

The King, by advice of his council, will appoint a reasonable number of good and sufficient justices, of each county in England, bearing in mind the extent of the county. He wills that they be not removed, and that no others be associated with them, without the assent of his council. The King also wills that the punishments fixed by previous statutes be duly executed; and as to the wages of justices of the peace, the King wills that the two or three justices who attended the sessions for the good of the King and his people, shall have the sixth part of the profits arising out of their estreats, until the next Parliament.

In the third year of the same reign, the Commons pray the King that, in the commissions of justices of the peace, he will have inserted the following clauses.

That they may have power to inquire into and execute the statute of purveyors; that they may have power to inquire into and determine, concerning extortions, confederacies, and maintainers of quarrels, also larcenies notoriously committed, murders and slaughter of men by malice prepense, without waiting for the arrival of justices of assize; that they may carry into execution the statute of liveries; that they may inquire into and determine unlawful ridings; and respecting those who lie in wait, &c.; that all persons indicted and convicted for any of those offences shall forfeit his goods and chattels to the King, and be imprisoned for a year and a day; and, if such persons have no chattels, that then they be imprisoned for two years, without bail, unless by the King's special command; and, upon their deliverance, find sufficient security for their future good behaviour.

To this petition the King made this answer.

The King wills and commands (by assent of the Lords temporal) that the justices of the peace have the like power that they had in their last commission; adding however to those commissions, the especial power to hear and determine homicides, extortions, unlawful ridings, lying in wait, and unlawful liveries, committed against the statutes before that time made. Provided always, that in difficult cases of extortions, one of the justices of either bench, or a justice of assize, be present when they proceed to judgment in that behalf. But, concerning forfeitures and penalties, the King will take advice thereupon; but he wills that the accustomed law in such cases be duly executed.

In the same Parliament the Commons further petition the King, that justices of the peace may hold their sessions, according to the statutes, and that they shall have half a mark each for every day that they hold their sessions, and their clerks, two shillings, out of the fines and amerciaments, &c.; also, that justices of the peace be elected by the present Parliament; and that their number be limited to eight, who are to be of the most sufficient knights and esquires of the county, two of whom are to be skilled in the law; also, that each justice of the peace is to deliver, by indenture, an estreat of the fines, issues, and amerciaments inflicted by himself, to the sheriff of his county; and that sheriffs have warrant to pay the said justices their wages from sessions to sessions, &c.

To which the King replied, that, as to the wages of justices, it is agreed that each knight shall have four shillings, each esquire two shillings, and their clerks twelvepence, for each day that they hold their sessions in the town prescribed: also, that they shall hold their sessions four times a-year, for two or three days together, in each county, according to the size of the county, or the business to be performed; and, as to the indentures, and the mode of payment of their wages, the King approves thereof; but, with respect to the number and names of the justices being submitted to Parliament in writing, the King will take advice thereupon; also, that the justices shall have the power of hearing and determining homicides, and

other things before written; and that they shall be sworn to do right in the same manner as the King's other justices are.

Upon the termination of this Parliament, the Lords temporal, being at a grand council, caused the ordinance made in Parliament, touching the power of justices of the peace, to be read, in the presence of the Chancellor, Treasurer, and all the judges, and themselves; because, they said, that their intent was not clearly understood or enrolled in that Parliament; that, amongst other articles and points, the same justices of the peace should have power to hear and determine all manner of extortions, as well at the suit of the King, as of the party, and of certain other articles comprised in the said power. They also made another declaration, concerning a note to be inserted in the commission, by the advice of all the justices, as well of both benches as others; and that note having been read before the whole council, they approved of its being passed under the great seal in that form. The forms of the amended commissions are set out on the Parliament roll of the third year of this reign.

Then certain persons are to be appointed conservators of the peace, according to the statutes of Winton, Northampton, and Westminster, to punish offenders against those statutes. The same conservators are also appointed justices to inquire upon oath, as well within liberties as without, into all manner of offences, such as larcenies, robberies, homicides, murders, and other felonies, transgressions, forestallings, regratings, extortions, &c., in the counties wherein they are committed or perpetrated; also, to inquire into offences against the laws, to repress unlawful assemblies, the statute of liveries, hostelries, weights and measures, labourers, &c., and to issue process against all those indicted for those offences, as well at the suit of the King as of other persons. Provided always that, in difficult cases of extortion, no judgment shall be given, except in the presence of one of the King's judges of either bench, or judge of assize. The justices are also to hear and determine all felonies or other offences indicted before them as justices of the peace.

In the fifth year of Richard II.* the Commons beseech the King (on account of the unusual number of robberies and larcenies committed in the realm at that time) that justices of the peace may be invested with power to proceed to gaol delivery; to which the King acceded, provided there were *three* persons present at least, one of whom should be learned in the law.

In the Parliament of the seventh year† of the same reign, justices of the peace were empowered to examine vagabonds, and bind them to good behaviour, or commit them to prison. Similar power was given to officers of the peace.

In the ninth year of the same reign, the statute of purveyors and buyers was ordered to be enforced; and that justices of the peace should have power to hear and determine the same.

In the twelfth year,‡ it was ordained that, in every commission of the justices of the peace, there should be assigned but six justices, with the justices of the assize, and that the said justices should keep their sessions every quarter of the year; also, that they should have for their wages four shillings a day, during their sessions.

In the thirteenth year,§ the Commons pray, that justices of peace be made anew, from the most sufficient knights, esquires, and lawyers, of the several counties; and that the said justices be sworn, before the Chancellor and King's council, duly to execute the various statutes and ordinances made for the conservation of the peace; also, that they hold their sessions four times a-year, at least, and at the same periods throughout the realm;

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* Rot. Parl. 5 Ric. II. No. 96.
† Stat. 7 Ric. II. c. 5.
‡ Stat. 12 Ric. II. c. 3 and 10.
§ Rot. Parl. Ric. II.

taking for their wages four shillings per day, as was established by the Parliament holden at Canterbury.

To this petition the King made this answer:—

The King wills, that justices of the peace be newly appointed, in each county throughout England, of the most sufficient knights, esquires, and gentlemen of the law, notwithstanding the statute made at Cambridge,* and that the said justices should take the oath duly to observe the execution of the statutes and ordinance touching their offices; and, in the same year, it was by statute so enacted.†

In the 14th year of the same reign,‡ eight justices of the peace are ordered to be assigned in each county, and if any duke, earl, baron, or banneret, be in the commission of the peace, and hold sessions with other justices their colleagues, yet they shall not take any wages for the said office.

The various statutes passed in the 13th, 14th, 15th, 16th, 17th, and 20th years§ of Richard II., recognized and multiplied the powers of justices of the peace, by giving them power to execute the Statute of Northampton, to settle the wages of labourers and servants, to punish unlawful huntings, and regraters of wood, false weights in the staple, unlawful wearing of liveries, unlawful fishings, contrary to the Statute of Westminster. In the 17th the Commons pray, that, in every commission of the peace, there shall be at least two lawyers assigned to proceed to the trial of felons and robbers; which the King consents to; and it is thereupon so enacted, as appears by c. 10 of the Acts of this session.

From the foregoing statements it is evident that the justices of the peace, up to this period, could, of themselves, do many things for its conservation; but, in cases of Oyer and Terminer, that they could only act in public sessions.

The political divisions of society, consequent upon the usurpation of the House of Lancaster, having almost produced a civil war, the maintenance of public peace became an object of great solicitude to Henry IV. That monarch, therefore, reposed great confidence and trust in his council, regarding those matters, knowing that it is more easy to prevent the peace from being broken, than to restore it afterwards, even with an armed power. The council advised the King to issue new commissions to justices of the peace and the sheriffs throughout the realm, commanding them to use their utmost endeavours to suppress all riots and civil commotions. It also recommended that, in each county, a certain number of the most efficient men of good fame should be retained by the King, and associated with those in the commission of the peace, and that such persons should be paid a reasonable salary, according to their condition in life; and for the better support of such charge, that the King should retain, in his hands, all the lordships and revenues which fell to the Crown by way of forfeiture. By a minute of the council, it appears that letters patent, under the great seal, were ordered to be directed to justices of the peace and sheriffs throughout the kingdom, instructing them to make proclamation against all unlawful assemblies, &c.‖

By statute (5 Hen. IV. c. 3) it was ordained, that in all commissions of the peace to be made from that time forward, this article should be inserted: "That justices of the peace have power to make inquiry, at their sessions, from time to time, as to the watch upon the sea-coast, as under the Statute of Winton, 13 Edward I., and to punish defaulters according to the law of the said statute;" and by the 10th chapter of the same it was

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* 12 Ric. II.

† Stat. 13 Ric. II. c. 7, 8, 13.

‡ Stat. 14 Ric. II. c. 11.

§ Stat. 13 Ric. II. c. 7, 8, 13; Stat. 14 Ric. II. c. 4, 12; Stat. 15 Ric. II. c. 2; Stat. 16 Ric. II. c. 4; Stat. 17 Ric. II. c. 9; Rot. Parl. 17 Ric. II., No. 4; Stat. 20 Ric. II. c. 2.

‖ 8 Fœd. 124.

thus enacted, "Because divers constables of castles within the realm of England have been by the King's commission appointed justices of the peace, and under colour of such commission they take up people to whom they bear ill-will, and imprison them in their castles until they pay fine and ransom for their deliverance, it is ordained and established, that no person shall be imprisoned by any justice of the peace, but only in the common gaol, excepting by those lords who have gaols within their franchise."

By statute 7 Hen. IV. c. 8, justices of the peace in every county have the power to inquire into all deceits practised by arrow-head makers, and to punish such offenders.

By statute 13 Hen. IV. c. 8, justices of the peace and sheriffs are empowered to arrest rioters, inquire into and record their offences; and it is ordained that a certificate of the justices and sheriff shall certify matter to the King in council, which shall be equivalent to the verdict of a jury; the traverse of such a certificate to be tried in the King's Bench. Justices of the peace, omitting to execute this act, to be fined 100*l.*

By statute 1 Henry V., * justices of the peace are empowered to inquire into, hold pleas, and punish offences against the chapter which relates to the measuring of corn.

By the second statute, in the second year of Henry V., † it was ordained, at the special rnquest of the Commons, that thenceforwards justices of the peace should be appointed from the most sufficient men in the counties, resident respectively therein, by the advice of the Chancellor and King's council, without taking other persons dwelling in different counties, excepting in the case of some few official personages named in the statute; from which time it seems that justices of the peace have always been nominated by the King's council: and, by the fifth chapter in the same statute, justices of the peace have power to inquire into, hear, and determine of certain treasons and felonies committed by the Welsh and their adherents, as well at the King's suit as at the party's; also, if offenders do not appear before the said justices to answer according to law, till they by the custom of the realm be outlawed, justices shall signify the same to the lord of the seignory where such offenders reside.

The statute of labourers ‡ was ordered to be firmly and kept and put in due execution; and that justices of the peace be empowered to send their writs to sheriffs commanding them to issue such process as the law requires to bring fugitives and labourers before them as justices of the peace, to answer for all contempts and trespasses, in the same manner as the justices have power to send to every sheriff for the felons indicted before them; also that justices of the peace in the quorum shall be resiant in their respective counties, unless they be one or other of the King's judges, &c.; and that they shall hold sessions four times a-year. Justices of the peace shall also have power to examine labourers and masters upon oath.

By statue of the same year, § justices of the peace have power to inquire into all heresies, as that of Lollards, their maintainers, favourers, &c., and to award a capias against all offenders, and sheriffs are bound to arrest all such persons so indicted; and to have the power of inquiry into all escapes from prison, also into the value of the lands and rents of persons so indicted, &c.

By statute 3 Henry V., || justices of the peace are empowered to inquire and award process, and to hear and determine as to felons guilty of coining; but by the statute of the following year, ¶ in cases of felons for coinage, justices of the peace have power to inquire into such matters, and thereupon to

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* Stat. 1 Hen. V. c. 10.
† Stat. 2 Hen. V. c. 1.
‡ Stat. 2 Hen. V. c. 4.
§ Stat. 2 Hen. V. c. 7, 8, and 9.
|| Stat. 3 Hen. V. c. 1.
¶ Stat. 4. Hen. V. c. 7.

issue process of capias against those who shall thereof be indicted before them.

The power of justices of the peace, during the two preceding reigns, had arrived at its zenith; and consequently there remained but few additional powers which could be conferred upon them by Henry VI. It would therefore be tedious to enter into a detailed account of the number of offences which they had the power of inquiring into, hearing, and determining, and which were recognized and recapitulated in this reign. In the 11th year of it, however, a very important enactment took place, founded upon a petition of the Commons to the King upon the subject, namely,* that those indictments and processes (begun before justices of the peace who should be removed by the appointment of new commissioners, prior to those suits and indictments being determined) should nevertheless be continued by the new justices as if no new commission had been made. Still the Parliament did not seem to take that deep interest in the appointment of those officers which it had thentofore done. The evil consequence of which is apparent by the petition of the Commons, in the 18th year of this monarch's reign.

The Commons inform the King, that by various statutes made in the time of his progenitors, it had been ordained, that justices of the peace should be selected from amongst the most sufficient men in each country; yet, notwithstanding those statutes, great numbers of very needy persons had been appointed to fill that office in several counties, whose poverty made them both covetous, and contemptible in the eyes of the inhabitants, and that their extortions and oppressions were daily increasing and required speedy remedy. The Commons, therefore, pray the King to ordain and establish in the present Parliament, that no justice of the peace be appointed in any county unless he have lands and tenements to the value of £20 per annum; and if any one should be appointed without such qualification, that he is to certify the same to the Chancellor, who will appoint another person in his stead; and if he do not within one month so inform the Chancellor of his insufficiency, he shall incur a penalty of £20. The ordinance, however, is not to extend into cities, towns, or boroughs, which are of themselves counties incorporate, nor to those in which justices of the peace are appointed by royal commission.

To this the King replied, "Le Roi le voet;" provided always, that if there be not men sufficient, having lands and tenements of the said value skilled in the law, and of good governance, within any such country, that the Chancellor for the time being, according to his discretion, shall have power to put in their stead other discreet persons learned in the law, although not possessed of lands or tenements to that value. And it was consequently so enacted, forming the 11th chapter of the statutes of that year.

In this and the suceeding reigns a very important increase of the numbers of justices of the peace, and change in the mode of appointing some of them, took place. The King, by his royal charters, conferred upon the mayors and aldermen of the principal cities and boroughs in the kingdom, and their successors, the offices of justices of the peace within their several jurisdictions, besides the usual numbers appointed by royal commissions, who generally retained their office during the reign of each monarch.

Notwithstanding the augmentation of their numbers, it was found in the reign of Henry VII. that justices of the peace were negligent of their duties, and remiss in executing the laws; and it became necessary to pass an Act in the fourth year of this reign, concerning the performance of their duties.

In the 20th year of this reign, a very important decision took place

* Stat. 11 Hen. VI. c. 6.

which completely proves, if further proof were necessary,, that the Crown alone can appoint justices of the peace, and that it cannot delegate the power of appointing justices of the peace, all such grants being void *ab initio*.

In Michaelmas term, 20 Hen. VII.* a case was argued in the King's Bench, arising out of a charter granted to the Abbot of St. Alban's, and his successors, conferring upon them the privilege of appointing the King's justices of the peace within the liberties of St. Alban's. The Attorney-General objected, amongst other points, that the King could not grant to any person the right of appointing his justices, in which opinion the Court agreed and the chief justice (Fineux) declared such a grant to be void, because the Crown could not make a grant to any man of a right to appoint justices,† by a patent, for a patent is not of record, and therefore could not make a justice of record, that being a right annexed to the Crown, from which it could not be severed; and that, for a similar reason, grants to pardon felonies, or to make denizens, were void, as thereby conferring upon subjects a right too great to be intrusted to any other hands than those of the Government, without being liable to great abuse.

This was a very important decision upon the subject, for it seems that Henry VII. must have been in the habit of making such grants. In the eighth year of his reign, he granted‡ to the Abbot and Convent of Peterborough a privilege of appointing three or more persons to be justices of the peace in and for the borough of Peterborough, and within all the lordships of the Abbot of Peterborough.

Notwithstanding the decision of the Court of King's Bench, the number of similar appointments rendered it necessary, however, in the next reign to make a public statute on the subect, intituled, "An Act of recontinuing the liberties of the Crown," § which completely removes any doubt that might have existed on this subject.

From the foregoing statements, I think, it may be collected, that the primary duties of justices of the peace were simply those of conservators of the peace; that in declaring and limiting their powers, by the Statue of Winton, their functions became thus approximated nearer to those of

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* 20 Hen. VII. fol. 6.

† This opinion and decision of the Court of King's Bench could not affect the Duchy of Lancaster, for the Duke of Lancaster, *eo nomine*, (before that title was annexed to the Crown of England in the reign of Henry IV.) had enjoyed jura regalia within his extensive possessions from the creation of the Duchy. That sovereign subject, the Duke of Lancaster, exercised within his Duchy and Palatinate of Lancaster, jura regalia almost unlimited, such as issuing writs for the election of a coroner, for the election of members of Parliament, appointing his own sheriff, justices of the peace, justices of Oyer and Terminer, and justices of gaol delivery: he also made grants of pardon to felons, &c. Some of such rights may also have been inherent in the other Palatinates of Chester and Durham, which, if deemed of importance, can be ascertained. There are upon record some grants to ecclesiastical corporations of the royal privilege of cognizance of breach of the peace, such, for instance, as that granted by King John to the Abbots of Reading, "in tota possessione sua omnem justitiam de assaltu, et furtis et murdris, et sanguinis effusione, et pacis fractione, *quantum ad Regiam pertinet potestatem, et de omnibus forisfacturis.*"

See the petition to the King in Council upon this claim. in 4 Edw. III. No. 57. Privileges somewhat similar were attached to the Universities of Oxford and Cambridge. See petitions to the King in Council, 14 Edw. II. No. 21. Rot. Pat. 17 Ed. III. Rot. Parl. 13 Ric. II. No. 14. Rot. Pat. 4 Hen. V.

With the exception of the Duke of Lancaster (who has a Court of Chancery of his own), it cannot, I think, be pretended that any ecclesiastical or lay corporation could appoint a justice of the peace, even within its franchises, though it might (before the Statute of Hen. VIII.) appoint a deputy to act in their behalf.

‡ Charter dated 27th June, 8 Hen. VII. See two cases on the same subject in Hol. 139, and Bulstr. 160.

§ Stat. 27 Hen. VIII. c. 24, sec. 2, 15, and

directors and counsellors to the sheriff in his pursuit and apprehension of felons; but as population increased, civil commotions, the advancement of foreign trade, the refinements of luxury, and other causes dependent thereon, changed the customs and manners of the kingdom, and produced many alterations in our law and constitution. Crimes became too general, too numerous, and some of them too insignificant, for the judges to attend to, and thus the office of conservator of the peace was found to be a useful auxiliary to the superior courts, in easing them of trifling matters, and gradually assumed a judicial importance never contemplated at its first creation. It will also be seen that (up to the period when Sir Christopher Wray, with the other judges of England assembled,* and after carefully perusing the ancient forms of commission of the peace, made various salutary alterations therein,†) the clause appointing conservators of the peace was the first in the commission, and the clauses conferring the judicial authority of hearing and determining felonies, which followed next in order, were distinct from the conservatory clause.

Having thus merely sketched out a history of the office of justice of the peace, (from its institution to the reign of Hen. VIII.) as briefly as the nature of the subject will permit without entering into a too tedious detail of the various and accumulated powers intrusted to those magistrates, I here take leave of the subject, as from the period to which I have traced it, all remaining information relative to the subject may be derived from the works of Lambard, Dalton, Fitzherbert, and Burn, authors whom I have not had time to consult on this occasion, nor, indeed, have I felt it necessary to do so, as their works are of course already familiar to one who has so much distinguished himself by his knowledge upon the subject.

"Were not the judicial functions (simply of hearing and determining charges of offences against the law, and awarding punishment, and of the procedure thereto,) separated from the functions of a police, or watch and ward, pursuit and apprehension"?

"Were not the juctices of the peace, in addition to the sheriff, the directors of the police, superintendents of preventive measures other than simple punishments?"

Answers to both of those questions are either included or implied in the preceding statements.

"What sort of person was the 'better sort of parishioner' who was ordered to be appointed as constable? and what was the substantial householder in the reign of Elizabeth?"

The better sort of parishioner, and substantial householder were, as I apprehend, in those days, of a class somewhat similar to that of persons so denominated at present; that is, of the same rank and influence in society during the reign of Elizabeth as such persons held in the reign of William IV., allowing for the difference in the value of money, and some changes in the relative condition of the various classes of society, which it is here unnecessary to dwell upon further than merely to intimate that £50 per annum would then have probably enabled a man to establish his household on a footing as respectable as an income of £300 in these more general luxurious times.

The following descriptions, taken from writers in the reigns of Edward VI. and his sister Queen Elizabeth, will corroborate the truth of the above remark.

Bishop Latimer, in a sermon preached before Edward VI., March 8, 1549, gave the following account of his family :—

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* 32, 33 Eliz.

† I believe, though I am not certain, that the form of the commissions of the peace sanctioned by those judges in 1590, is still retained, and contains the conservative distinct from the judicative clauses.

"My father was a yeoman, and had no lands of his own, only he had a farm of three or four pounds a year at the uttermost, and hereupon he tilled so much as kept half-a-dozen men. He had walk for an hundred sheep, and my mother milked thirty kyne. He was able and did find the King a harness, with himself and his horse, while he came to the place that he should receive the King's wages. I can remember that I buckled his harness when he went unto Blackheath Field. He kept me to school, or else I had not been able to have preached before the King's Majesty now. He married my sisters with 5*l.*, or 20 nobles, a piece, so that he brought them up in godliness, and fear of God. He kept hospitality for his poor neighbours, and some alms he gave to the poor; and all this he did of the said farm, where he that now hath it payeth 16*l.* by year, or more, and is not able to do anything for his prince, for himself, nor for his children, or give a cup of drink to the poor."

Harrison, in his description of the different degrees of People of England,* has thrown considerable light upon this subject. In his notice of citizens and burgesses, he thus speaks,—

"Citizens and burgesses be those that are free within the cities, and are of some likelie substance to beare office in the same. But these citizens or burgesses are to serve the commonwealth in their cities and boroughs, or in corporat towns where they dwell. And in the Common Assemblie of the realme, wherein our lawes are made, for in the counties they bear but little sway (which Assembly is called the High Court of Parliament)."

Of yeomen he says,—"Yeomen are those which, by our law, are called legales homines, freemen borne English, and may dispend of their owne free land in yearlie revenue to the sum of 40*s.* sterling *or* 6*l.* *as monie goeth in our times.* That word is derived from the Saxon term Zeoman or Geoman, which signifieth (as I have read) a settled or staid man. Such I meane as being married, and of some years betaketh himselfe to staie in the place of his abode, for the better maintenance of himselfe and his familie, whereof the single sort have no regard, but are likelie to be still fleeting, now hither now thither, which argueth want of stabilitie in determination and resolution of judgment, for the execution of things of anie importance. This sort of people have a certaine preheminence and more estimation than labourers, and the common sort of artificers; and these commonlie live wealthilie, keepe good houses, and travail to get riches. They are also for the most part farmers to gentlemen, or at the leastwise artificers; and with grazing, frequenting of markets, and keeping of servants (not idle servants as the gentlemen doo, but such as get both their owne and part of their master's living), do come to great wealth, insomuch that manie of them are able and do buie the lands of unthriftie gentlemen, and often setting their sonnes to the scholes, to the universities, and to the ins of court; or otherwise leaving them sufficient lands whereupon they may live without labour, doo make them by those means to become gentlemen; these were they that in times past made all France afraid. And, albeit, they be not called Master as gentlemen are, or Sir as to knights appertaineth, but oulie John and Thomas, &c., yet have they beene found to have doone verie good service; and the Kings of England in foughten battels were woont to remaine among them (who were their footmen), as the French Kings did amongst their horsemen, the Prince thereby shewing where his chiefe strength did consist."

He then proceeds to say that "The fourth and last sort of people in England are daie-labourers, poore husbandmen, and some retailers (which have no free land), copie-holders, and all artificers, as tailors, shoe-makers, carpenters, brick-makers, masons, &c. This fourth and last sort of people, therefore, have neither voice nor authoritie in the commonwealth, but are to be ruled, and not to rule others: yet they are not altogether neglected;

* This work was printed in 1586, and dedicated to Sir William Broke.

for in cities and corporate towns (for default of yeomen) they are fain to make up their inquests of such manner of people. *And in villages [they are commonlie made churchwardens, side-men, ale-conners, now and then* CONSTABLES, and manie times injoie the name of hedboroughs.

No. 5.

Form for assisting in the Examination of Prisoners.

1. What is your name, age, and the offence for which you are in prison?
2. Are you single, married, or a widower? Have you children—how many?
3. What has been your calling or occupation?
4. Are your parents living? If not, what was your age when they or either of them died?
5. If either father or mother be dead, has the survivor married again? If so, how long ago?
6. Are you illegitimate, or a foundling?
7. Where were you brought up? At the house of your parents, or at that of any other relation or friend? or in the workhouse, or in the streets, being left without care and control?
8. Of what calling were your parents? Did they, or either of them, continue long in any service?
9. Of what character was your father? Was he honest, industrious, and sober?
10. Of what character was your mother? Was she honest, virtuous, industrious, and sober?
11. Did your parents regularly attend a place of worship, and require you to accompany them?
12. What care was taken of you by your parents? Did you ever run away from them? What induced you to do so? Were you punished for doing so; and in what way?
13. Did the occupation of either of your parents necessarily take them much from home?
14. Did you attend any school? If so, for how long, and at what description of school; whether dame school, national school, British and foreign school, Sunday school, church school, or dissenting school?
15. Were you taught to read and write?
16. Can you now read and write? If so, whether well or indifferently? Can you generally understand what you read? Of what description of books has your reading consisted? Are you accustomed to read?
17. If you have ever regularly attended a place of worship, how long has that attendance ceased?
18. Were you brought up to any and what calling or occupation?
19. Were you bound apprentice? By the parish, or by whom? Did you serve your time? Did you ever run away from your master? If so, what was the inducement or cause of your doing so? Did you board in your master's house? If not, where? How were you punished for misconduct?
20. Had you an attentive and good master? Did he regularly attend a place of worship, and require you to accompany him?
21. By whom, and for how long, have you been at various times employed? When and where were you last employed? How long was this before your conviction?
22. In what manner did you employ your spare time in the evenings after work?
23. What were your condition and habits immediately before entering upon dishonest courses? Were you addicted to the use of spirituous liquors?

24. What was the immediate cause of your first offence? Whether to procure any particular gratification, and of what kind? From sudden temptation or opportunity; if so, of what kind? Or from distress; if so, state the nature and cause of the distress; whether from imprudence or other misconduct?

25. What circumstances induced you to commit other offences?

26. Did you for any time support yourself partly by labour and partly by crime? How soon did you give up all honest labour, and support yourself entirely by crime; if so, for how long a time?

27. What difficulties did you find in the way of committing crime?

28. What facilities and encouragements?

29. What circumstances do you think might have altogether stopped you?

30. When not in honest employ, how were you maintained? If by depredations, describe their number, nature, and mode of committing them?

31. With whom did you associate? Did they also pursue dishonest courses?

32. In what way did you elude detection, pursuit, or apprehension? In what manner did you ever escape, or were you let off, after apprehension?

33. How often have you been apprehended?

34. How often have you been convicted?

35. How often were you apprehended before your first conviction?

36. Did the prosecutor come forward against you? If not, why not?

37. If, though guilty, you were acquitted through any defect of the law, or any misunderstanding, or any particular management, describe the circumstance.

38. Where did you last reside for the greatest length of time?

39. Were your practices and pursuits in any and what way influenced by fear of the constables?

40. Were you or any of your associates in crime known to the constables?

41. Did you or any of your companions associate with the constables, and if so, to what extent?

42. Did you or they use any means with the constables, either to distract their attention, or induce them to permit or facilitate your escape? If so, of what kind?

43. Did you derive any and what encouragement in your criminal courses from the remissness of the police or constables; or from the co-operation, alertness, or dexterity of your associates; or from any presumed disinclination to prosecute on the part of those whom you intended to plunder?

44. Was there in your case, and do you think there was in the case of others, any encouragement or facility to commit depredations, owing to the deficiency of locks, bars, &c., or to the fact of property being unduly exposed or guarded by the owners?

45. Were your depredations planned and executed by yourself alone, or had you associates? If so, state how many, generally.

46. Do you know of any depredations being planned in prison? State how many, and when and where planned.

47. Do you know of any depredations so planned being afterwards executed? If so, state them.

48. What kind of property did you generally take?

49. How did you dispose of it?

50. How much did you get for it?

51. What proportion did the sum you received bear to the value of the article?

52. Have you any and what reasons for knowing or believing that the

purchaser knew or believed that the property offered for sale was not honestly obtained?

53. What did you get by depredations one week with another? What was the highest sum any one week?

54. What, to your knowledge or belief did your associates get one week with another? And what in any one week?

55. Were your gains, and those of your associates, regular or irregular?

56. Do you remember the robberies committed by your associates, or yourself, in any one week? Specify them to the best of your recollection?

57. How many depredations have you committed altogether?

58. How long a time elapsed from your entering upon a course of crime to the period of your first apprehension?

59. How long a time elapsed from your entering upon a course of crime to your first conviction?

60. What in your opinion is the average time before a depredator is apprehended and convicted?

61. What number of hours were you employed daily as an honest labourer, compared with the number of hours employed as a depredator?

62. What were your gains as an honest labourer compared with your gains as a depredator?

63. What time had you for amusement when an honest labourer, compared with the time for amusement as a depredator?

64. Where, with whom, and in what manner, did you spend your time when not on the look-out for booty?

65. Did the landlord of the place where you assembled know of your courses? If so, how do you know that he did?

66. While engaged in a course of crime, what was found to be the greatest hinderance, and what occasioned the greatest fear?

67. Did you find any places or kinds of property so protected as to induce depredators to refrain from attacking those particular places and kinds of property? If so, what was the nature of those protections?

68. Did you or your associates often change the neighbourhood where your depredations were committed, to what places did you remove, and what were the causes of your removal?

69. What, in your opinion, are the most important obstructions which could be placed in the way of depredations?

70. What, in your opinion, are the most important obstructions which could be placed in the way of disposing of stolen property?

71. What, in your opinion, are the best means of preventing the escape of offenders?

No. 6.

PRACTICES OF HABITUAL DEPREDATORS; as disclosed in a London Prison. Communicated by Mr. Chesterton, the Governor of Coldbath-fields Prison, from particulars collected at his request by a Prisoner from the narratives of other Prisoners.

Most thieves commence their career at seven or eight years of age, and are engaged for some time in petty thefts of loose articles from street and market-stands, shop-doors, windows, &c. Amongst the earliest "games" of thieves appear to be these: three or four boys go together and take a piece of flesh from a butcher's, or goods from a cheesemonger's or an oilman's, &c.; having obtained the booty they all make off together. "Prigged" articles of this description are disposed of to Irishwomen at

street-stands, or in the low neighbourhoods where they reside, the good dames of the Sister Isle seldom giving a third of the value for them; the proceeds are divided and squandered in sweetmeats and gambling. At this species of plunder the young thief continues for a length of time, sometimes for two or three years, until in due time justice overtakes them, and for some petty offence he is sent to gaol. Here a new era opens to his view. We will pass over the prison scenes * * * * The anxiety for a release from imprisonment to go to work and make the "nobs" pay for their incarcerating in prison men who, in their own opinions, gain an honest livelihood.

When a young thief is sent to prison for the first time, he either, by conversation and intercourse with more experienced thieves, becomes fixed and determined in that pursuit, or, by the discipline experienced, dread and terror are imprinted upon his youthful mind, and he is reclaimed. If disposed to follow the pursuits of thieving, by imprisonment he forms so many acquaintances that he is never afterwards at a loss for a companion; he becomes acquainted with thieves more versed in the art than himself, who direct his attention to more lucrative pursuits; his emulation is spurred, and each time his term of imprisonment expires he enters society with a fresh stock of knowledge, and consequently becomes its more dangerous member. Love of fame forms no small proportion of a thief's composition. The estimation in which his character is held by his companions is determined by the number of times he has been in trouble, and the conduct he pursued on these occasions towards his "pals" or confederates: if he has once informed against them he is deemed unsafe to trust, and until the stain is removed by his hereafter stanch conduct he does not rise in his profession.

The young thief, on his release from prison, is no longer satisfied with the pilfering from shop-doors; he becomes acquainted with boys older than himself, and commences picking pockets, &c. In these games one or two pals or confederates are necessary, so as to divert attention, and take a stolen article from the party who steals it on the instant and make off. If the party who steals the article be taken, and his confederate gets away with the property, a conviction is frequently prevented. Young thieves are well aware that "where the property is found there lays the felony;" they therefore make a point of putting away stolen articles from the person as soon as possible, and this leads me to speak of "fences," or receivers of stolen property, who for the most part are Jews. Fences for household goods, &c., ostensibly carry on the trade of furniture brokers; those who take in gold or silver goods are generally jewellers, gold-refiners, &c. The latter fencing is not attended with so much risk as the former; for no sooner is the bargain struck than the plate, however large the quantity, is thrown into a furnace. Pocket-handkerchiefs, when got singly, are pledged; less than six are not generally fenced. The lady Jewesses who receive them, in Field-lane and other places, seldom give more than 1*s.*, 1*s.* 3*d.*, or, when very good, 1*s.* 6d. for each. The receiver is one of the thief's best friends; without him but little would be done; the thief would be unable to dispose of his plunder. "Were there no receivers there would be no thieves."

When a young thief commences picking pockets he is launched into the routine dissipation attending a thief's life; he becomes united to a "mob," many of which there are in London, some named from the house they use, but more generally from the neighbourhood to which they belong—the Rooking-mob, Winfall-street mob, Webb-square mob, Whitechapel mob, Seven-dials mob, &c. &c.; he frequents the flash houses, where he is taught to drink, dance, smoke, and gamble; here cards, dice, shove-halfpenny, and other games are always going on, so that sufficient opportunity offers to get rid of superfluous money. It is a common opinion that schools for the tuition of the younger thieves exist at these houses, but no regular

system of such instruction is now carried on. Some years ago it was customary for old thieves to select young ones and form them into a mob to act under their direction, and then a system of teaching was practised; but since the establishment of the new police the same facilities do not present themselves, and no regular system is now in practice. It is true that, now and then, when an old thief is present where young ones are, these practiss their art upon each other, to show their expertness and superiority one over the other, any deficiency being rectified by the elder thief, but no remuneration is given, the occurrence being accidental, and taking place perhaps once a-week at any specified flash-house. Most time is occupied at these houses in card-playing and tossing; and this system of gambling often leads the young thief to prison: he plays till all his money is expended, then goes out with a determination to have more, using no precaution, but taking the first thing he can lay his hands upon, and, as will be readily perceived, the chances are in favour of his apprehension.

A young thief having lost all his money left the house in this frame of mind; the first thing he saw was a watch over a mantel-piece in the back room of a shop, in which a female was engaged at a small round table at needle-work; he went in on hands and knees, through the shop, got to the opposite side of the table to that of the female, and was on the point of snatching the watch, when a customer came in; during the absence of the good lady in the shop the watch was taken down, and the young thief resumed his position under the table, with the intention of sneaking out as he got in; unfortunately, when the door was re-opened, the shadow or reflection being too great for the delicate leg of the table, attracted her attention; she looked down, and the intruder was detected. His first idea was of making his way out, and, expecting resistance, of throwing down his discoverer; but, strange to say, instead of offering obstruction, she stood stunned, motionless, and confounded, and allowed him to pass her unmolested, and walk out of the shop; this he effected. In this case the thief was indebted for his success to the absence of self-possession on the part of the lady shopkeeper.

Boys are often caught in shops on "the sneak" for the till; and on most of these occasions receive punishment on the spot. They are sometimes horse-whipped; at other times they have their faces and hands soiled and soot sprinkled over them. A boy was severely punished at a chemist's; he had got round the counter, and was returning with the till under his arm, when the shopman, who had been watching him unperceived, came in and caught him; he took him to his master, who directed him to be stripped; all his clothes removed, he set a dog upon him, and taking a short whip in his hand, he whipped and chased him round the room and about the room, until quite exhausted, he at length lay down. A jar of tar was then introduced, with which he was bedaubed from head to foot; upon this was thrown a white powder, which caused for some hours most intolerable itching and irritation. Not yet satisfied, his clothes being huddled on, his hands were tied behind him and he was sent about his business, with a large placard pasted upon his back bearing the ominous characters of "A Thief." This was a summary though by no means a justifiable method. What with the bruises from the whip, and bites of the dog, the boy was confined to his room for a week, and never could endure the idea of venturing that road again.

Picking pockets and stealing shop-tills are the two kinds of thieving at which by far the greater number of young thieves gain a living; they occasionally pursue others, but chiefly depend upon these, on account of the certainty of the game; a gentleman finds a handkerchief an essential appendage, and equally is a till essential to a shop. These games have an end sooner or later; the young thief is grabbed, may-be with the plunder in his hand, and taken to a police office, where, being his first time, although

the case is completely brought home to him, he is sentenced to be whipped, and to have a few months' imprisonment. This flagellating system does not agree with him; he receives a check, finds that many of his pals have been sent away, and in all probability he will speedily follow them. These objections, amongst others, being urged against his present pursuits, he passively consents to go to the Refuge for the Destitute, where the confinement is opposed to his views; he thinks he has had enough of that in prison, and, with one or two more of the same disposition, forms a plan of escape, which is too easily effected. Some boys are said to go to the Refuge for the sole purpose of improving their garments.

The young thief finding he is too well known to the police in his own neighbourhood, leaves it and joins a mob in a distant part of town, where he is unknown; here he becomes initiated in other games, such as those of "starring the glaze" (breaking show-windows), which is practised where valuable articles are exposed for sale in the shop-windows of goldsmiths, watchmakers, jewellers, pawnbrokers, silk-mercers, &c. One or two parties divert attention while another "stars." This is either done by a diamond, or by inserting a small pen-knife through the putty near the corner of a pane and cracking it; the wet finger carries the crack in any direction; an angle is generally formed. The piece is wrought to and fro, and removed; if necessary, another piece is starred, to allow of the free ingress of the hand. In a retired neighbourhood, an opportunity is taken of tying the door, in order to prevent any one coming out, and, on the passing of a heavy carriage, the hand is driven through a square of glass, upon which has been laid a piece of strong paper coated with treacle, to prevent noise from the glass falling, and then articles of value are removed. This is termed *spanking* the glaze. At other times, the parties intending to star go a night or two before and break one of the lower squares of glass; a watch is then put upon the shop, to know when the square is renewed, which of course, the putty being soft, can be removed at pleasure; a piece of leather, upon which is spread some pitch, being applied to the square, to prevent it falling when pushed in: much time is saved in this way.

One kind of pocket-picking is done in a crowd, or, when the female is seated in the dickey of a coach, a pair of scissors are used to cut the gown, and the pocket is either drawn of its contents or cut away altogether: the scissors are made broad-pointed.

By frequenting flash-houses the young thief becomes acquainted with others, who follow the games of "palming" and "shop-bouncing:" his success at "starring" enables him to dress well, an essential in his new pursuits, which will speedily repay the outlay with interest.

"Palming" is a species of thieving much practised; it is done most frequently by two, well-dressed and respectable in appearance, who go into a shop for the ostensible purpose of purchasing certain articles, but in reality with the intention of carrying off a considerable booty free of expense: one party keeps the shop-keeper "in a line," asking prices, &c., whilst the other is engaged in palming articles under his hand, and so to his pocket: thus at a cutler's, a tray of knives is exhibited, from which in the course of a few minutes a dozen will be purloined; at a jeweller's, a box of seals, rings, or thimbles, which will be served in a similar manner. At this game it is not unusual for two persons to make 15*l.* and 20*l.* a-day by moving about from place to place. The more versed thief engages as his associates boys who are as yet entirely untutored in the arts of thieving, of perhaps respectable connexions, with whom he now and then becomes acquainted, and from whom he finds it no difficult matter to obtain a considerable portion of the plunder; for instance, when a dozen fruit-knives have been stolen, instead of dividing the spoil equally, the elder thief brings only part of the property to light; this is a very general practice amongst thieves; the more cunning and crafty make it a rule to cheat their "re-

gulars," the young thief, whose emulation induces him to join boys older than himself.

The same cause, by which so many thefts are committed with impunity, operates in saving a thief from punishment: this remark applies more particularly to pickpockets; gentlemen are sometimes so adroitly drawn of their property as not to perceive their loss, and when informed of it, the very expertness with which the act was committed prevents a man of certain philanthropic and liberal feelings from prosecuting the offender: great proficiency is attained by long practice in palming; intentionally a shop is not plundered oftener than once in three months, or four, but as accident is no respecter of persons, it now and then happens that palmers go into a shop which has been recently served, and the shopkeeper therefore on the alert; his shrewdness not being immediately perceived, the theft is carried on till two or three dozen of handsome fruit-knives, or silver thimbles, have been obtained; the shopkeeper is seen to give notice to some one in the back shop; that is sufficient; the thieves observe the sign, go on conversing, and by their expertness are enabled to palm back every article by the time an officer arrives; on search nothing is found on the person; a strenuous outcry of irreproachable character being kept up, induces the shopkeeper to suppose rather that his eyes have deceived him than that dishonesty was intended, and in many instances an apology is actually made, the thieves leaving the shop apparently angry, but in fact well pleased at the upshot of the affair; this game somewhat resembles cadging (begging), inasmuch as they are both travelling manœuvres, at which both the palmer and cadger are enabled to visit every town of note in the country.

Ringing the changes is a species of palming; it is done in a variety of ways. The scheme is to substitute a similar in appearance but valueless article for one of great value; an order is given to a goldsmith to prepare and make up certain articles in a case, the story being that they are for some family going abroad; the party calls and sees them finished and encased; he directs them to be taken care of till he calls, perhaps states his intention of bringing a friend to look at them, at the same time giving the shopkeeper a hint that his friend may prove a customer: having seen the case, he obtains a similar one, and endeavours on the next visit, whilst the shopkeeper and his friend are contemplating great dealings never to be realized, to ring the changes. Rundell and Bridge, of Ludgate Hill, were defrauded to a considerable amount some years ago by two French gentlemen, who rung the changes in a very masterly manner. The Greys' diamonds, of west-end notoriety, were got away by two Jewesses in the same way.

"Shop bouncing" is practised early in the morning, as the shops are opening: the thief goes in, the shopman is perhaps engaged in the back premises, no one in the shop, he may sneak off with the booty; more frequently some one is in the shop: a message is prepared, cut and dried, from Mr. So-and-so to the master of the shop, and an immediate answer is necessary; all suspicion is removed; unsuspectingly the servant conveys the message to his master, in some instances desiring the thief to keep an eye to the shop during his absence; the latter injunction is strictly complied with, and when the servant, finding he has been hoaxed, returns, his locum-tenens has decamped with what valuables were within his reach. When this game is predetermined upon, the thieves go the overnight to reconnoitre and observe the situation of valuable articles.

Men living by depredation vary their pursuits and engagements; many adhere to one particular description of thieving; some can palm and cannot star, others can palm and star but cannot pick pockets, which some pursue only, and so on. To understand clearly how their time is spent, I shall follow the young thief through the pursuits of a single day, and to do so we shall merely have to transpose and recapitulate what has been stated.

Thieves are not unnecessarily active, but rather of indolent habits. The

thief must therefore be supposed to have been hard up on the previous night. He arranges with some of his pals, perhaps similarly situated, to go out early on the ensuing morning, and accordingly they turn out, two and three in company, on a morning prowl. This comprises different sorts of thieving, in which persons are taken in who are not sufficiently exercised to guard against knavery and duplicity; for the most part the thief acts upon the credulity of servants, whom he endeavours to throw off their guard, and by this means gains admission into the passage, or down the area; the chief aim is plate: the shops are now opening, and they begin "shop bouncing," which, as the shops open at various times, and as they may go into several before an opportunity of obtaining a good booty occurs, occupies till eight o'clock, unless the touting system of the previous night shows them where to direct their force with greater certainty: having put the booty away (fenced it) they go to breakfast either at a coffee-shop, the public-house they use, or the house where they slept, a lodging-house where two or three live together, or where two attached pals live by themselves. At all these places they occasionally breakfast, but most frequently at a coffee-shop; this finished at nine o'clock; as gentlemen begin to move out in pursuit of their various callings, the thief turns out pocket-picking; this game occupies till twelve o'clock; from twelve to one P.M., starring and palming are pursued, and having put away the booty they dine mostly at the flash public-house used by the mob to which they belong. Dinner ended, some gamble at cards and tossing, others drink and smoke, till dusk, when, if summer, they turn out picking pockets again; the cloaks and top coats prevent this game in winter, when they turn out on an evening sneak as shoplifting; they notice when the people in the shop are with customers, and sneak off with articles exposed for sale, as boots and shoes from a shoemaker's, hats and caps from a hatter's, coffee and tea from a grocer's, hams, &c., from a cheesemonger's, wearing apparel from a tailor's and pawnbroker's, or, going into a passage, sometimes umbrellas, box-coats, &c., are carried off; may-be the family are up stairs, and then the thieves have the range of the ground floor: they seldom take tea in the afternoon, but return after their evening sneak to the flash-house, where they spend the remainder of the evening in the routine of dissipation peculiar to, and consequent upon, such a life, as drinking, dancing, card playing, and other species of gambling, raffling for pals in trouble, boasting of thefts committed in the day, telling who have been grabbed, and what pals they have individually put away; here they see women, with some of whom they become enamoured, and they assist materially in squandering the result of the day's thieving. Many exhibit stolen articles, and thereby get customers. Watches, rings, and handkerchiefs, &c., are often sold at these houses; cotton handkerchiefs are given away: thus the evening is spent till a late hour, when, if in winter, and the theatres open, they turn out as the company are retiring: on account of the heat gentlemen frequently come out with their coats undone (and some thieves who have perhaps not made a halfpenny during the day will make the best hit), through carelessness; their attention in the theatre being otherwise engaged, gentlemen often leave their opera-glasses, purses, handkerchiefs, and sometimes watches in their outer coat; these are good prizes; a thief will often follow a swell one or two miles, judging from appearances that something more is contained in the great-coat than a handkerchief, before he finds an opportunity to rob him, either from his being on the alert, or others following too closely: a thief will often stand outside a confectioner's shop, or other shop, and notice, when gentlemen go in to purchase, where they place their purses; they are thus enabled to pursue the game with more certainty and greater temerity, the expectation of a good booty ever stimulating and emboldening the exertions of a thief: the company having retired from the theatres, the young thief's day's work is over, and he retires for the night; some go to night coffee-houses, where they are encouraged by being permitted to

amuse themselves at cards, dominoes; others go to thieves' lodging-houses, where the charge is 3*d.* or 4*d.* per bed per night; here various scenes take place, sometimes drinking, smoking, gaming, &c., being allowed, at others no such thing, the thieves not being allowed to congregate together; there are such receptacles in the rookery, St. Giles's, where forty or fifty beds are made up nightly; some have private lodgings to which they retire. "Many men, many minds."

Having followed the young thief through the pursuits of a single day, an opinion may be formed how his time is in general spent, bearing in mind that he considers himself fortunate if half the year out of prison, and extremely so if allowed to have a run (pursue thieving) for three or four years before being transported; and this leads us to speak of another epoch in the life of a thief—that is, the time when he must, in the regular course of his degrees, be served; this frequently occurs in the pursuit of his favourite game, or sometimes in attempting something new, and for which he is not sufficiently competent; the sentence of transportation produces no heart-rending effect upon the callous thief; it would be wrong to say he suffered no uneasiness or anxiety; the starting tear, so often to be seen at the Newgate bar, demonstrates the contrary, but the uneasiness felt by him is not comparable to that severe distress of mind to which the man who has accidentally committed himself is liable; the thief always lives in expectation of it; its occurrence, therefore, causes no sudden shock to his nervous system; he knows it is a part of his degrees through which he must pass to arrive at that eminence to which all thieves aspire—"the top of the tree in the profession:" filial love considerably diminishes with parental authority; his separation from his family gives him therefore but little uneasiness; that sorrow which alone affects him is caused by his being parted from a pal or two to whom he had become attached from having lately worked (thieved) together, and his sister or girl; if he appears disheartened, he is soon rallied by his more jocular and less thinking companions: but the chief reason counterbalancing any temporary uneasiness felt by the thief at this period, is the idea of meeting with many of his old pals; this recollection removes all pain; when once on board ship he meets with so many boys with whom he has been aforetime in the habit of associating, that he soon finds himself perfectly at home; cultivated minds are not to be looked for amongst such thieves as we are now describing, who for the *most part* are of no education, of *Irish* parents, totally unacquainted with, and therefore unable to perceive, their own degraded state, nor are they able from the same state of moral turpitude, duly to appreciate and value the situation of a respected member in society.

There are certainly individuals who, having received the benefits of a good education, yet render themselves amenable to the laws of their country; but these proportionally are considerably less in number than the reputed and constant thieves; for instance, you will find in a criminal prison persons who gain a livelihood by thieving to be in the proportion of three to one of cases of accidental crime; on board a hulk you will find the proportion of the former description of persons to be increased to about five-sixths of the whole number. We thus find thieves to have a great majority; the causes of educated persons committing crimes have been variously accounted for, but they are generally understood to be local, as poverty, ill advice, bad associates, &c. Much has been said of the effects of transportation in the prevention of thieving, towards which, without a doubt, abstractedly considered, it is a grand mean; the discipline is so rigid, both at the hulks, Van Diemen's Land, Botany Bay, or other convict settlements, as to suspend the practice of thieving for such a length of time that the disposition, as well as the equal ability, to return to it is considerably lessened, and many persons who, by good conduct, have obtained situations, and been enabled to lay by a trifling sum of money, have begun a business which perhaps they have been taught during their exile, and

have succeeded; there is now a banker in the City, who, when a young man, underwent transportation; many transports remain abroad and do well. It will generally be found that those who return home, although they do not pursue their former dangerous course of thieving, yet they live by their wits, and therefore, although in the abstract thieving, or what is commonly understood by thieving, is greatly checked by transportation, yet thieving, literally speaking, is not prevented; and this may be readily accounted for. When sent away (transported), the thief meets with such variety of persons, and hears such variety of crimes, that having paid for, he determines to profit by experience; he therefore makes himself acquainted with those means of plunder in which the risk of apprehension is trifling compared with the usual method of thieving; he is said to fight shy, and it is generally found that men who have been transported after obtaining a large booty, commence as receivers, keepers of houses of accommodation, or publicans. Others of a more unsettled disposition pursue different fraudulent devices, gaming, &c.; those acting as receivers open a concern as an excuse to remove suspicion; ostensibly they are brokers, marine store-keepers, gold refiners, old clothes men, &c.; some frequent the houses used by thieves in the evening, and purchase what they have to put away; others, unable to purchase for themselves, do so by commission for an employer; some deal in base coin, others in forged notes, &c. Regular thieves term men who begin these pursuits scared thieves, and men who are fixed in the prosecution of their profession are in their estimation "good men," and are considered "game." There will be observed a similarity in the feelings and consequent actions of the honest and the dishonest; many men living by honest and lawful pursuits, rather than be thought cowardly and timid in their speculations, run into the opposite extreme, and pursue their object with greater decision, determination, temerity, and upon a more extended scale than they had previously intended to do, so that if unsuccessful in their projects, their ruin is doubly sealed: so with many thieves, they do not like to be pointed out as black sheep; during their absence they have become acquainted with more lucrative games; both the feelings of emulation and covetousness receive a stimulus, and they recommence a new species of old pursuits with wonted vigour.

It will be understood that some thieves are more fortunate than others, and that some are earlier transported than others. We have, for the sake of perspicuity, transported the young thief at a particular time; we must now suppose him returned, increased in years, increased in power, increased in criminal knowledge, and about to pursue his regular course. The next species of thieving he undertakes is stealing from carts and waggons, &c. This is a game at which good booties have been made. Two, three, or four together go to work; sometimes their object is packages from carts in thoroughfares, at others, in the highway, frequently they take a vehicle with them to convey the swag (booty): the method of proceeding varies much according to the object in view. Boxes of every description are taken from waggons, trunks from chaises, rolls of broadcloth and chests of tea from town carts; the theft of chests of tea, or rolls of cloth, is an inferior species of this description of thieving, the tip-top kind being the robbery of stage-coaches and waggons. For the latter game a one-horse chaise is kept in readiness near the spot where the booty is intended to be got: the waggon is entered from behind by cutting the covering or other means; articles are then selected and dropped into the road, the confederates, generally two in number, following with the chaise at a convenient distance to pick them up; leather portmanteaus are cut open or cut away altogether from travelling chaises. Stage-coach robberies, where the booty is to any amount, are for the most part put up, *i. e.* some former guard or driver becomes connected with a party of thieves; he knows what provincial bank transmits cash to town, the time of their

remittances, and in what part of the mail or other coach the money is deposited; he enters into an arrangement with the thieves, gives them all the particulars, and according to circumstances, they go to work: if the cash is in the inside keep, all the inside seats in the stage are taken and occupied by men apparently unknown to each other, but in reality they are associates, with their house-breaking instruments; the property is obtained when the coach is going along: the work finished, two leave the coach with the booty, the others remaining to prevent suspicion, and give their associates opportunity to get safe away. When this object is considered gained, they take leave also. Carmen in the city often defraud merchants, their employers, to a considerable amount, by being in league with thieves, to whom they allow opportunities of removing valuable packages from their carts. Grocers and linen-drapers are the chief sufferers.

The next species of thieving pursued, is that which entitles a thief to be placed at "the top of the tree" in "his profession," and to which they all more or less aspire; many terms are made use of implying the various modes of house-breaking, a slight difference in the method pursued constituting the variety: a house is entered by removing a door-pannel, by means of skeleton or false keys, or a forcible entry is gained by means of a crow-bar. Before speaking of the implements made use of in house-breaking. we will say a few words on the character of the house-breaker, who for the most part is of reckless and daring disposition; three-fourths of them are returned transports, the other part being made up of servants out of employ, and thieves who have as yet been sufficiently fortunate to escape transportation. When a thief arrives at this stage in his profession, he is, as before stated, considered to be at the top of the tree; he is then "a right" or "good man;" but should his character be in the least blemished by his ever having turned evidence against his confederates, he is not countenanced, and remains in the back-ground, *i. e.* he is not put into "good concerns," but obliged to go to "low thieving," and by this means is most of his time in prison: if, on the contrary, he has throughout maintained an irreproachable character amongst thieves, never having got another man into trouble, at the same time retaining a determined dislike to all constables and police, he is a man highly respected in that particular and outcast society in which he moves; forsaking many of his former habits, and leaving off everything thief-like in his appearance, mixing with the swell-mob, he becomes acquainted with them, occasionally forming a party in their depredations, and he is now consulted in "put up" things (robberies in which servants, and others acquainted with the house, give the necessary information to enable the plundering to be effected at little risk).

There is a method of arriving at the top of the tree without going through the regular degrees: we will suppose a servant who has lived in rich families, to lose, by some mischance, his character and situation. Some of a mob of thieves hear of the case, or know the party; a thief of parts is planted upon him (set as a watch); he becomes acquainted with him, treats him, sounds and finds him likely to suit their purposes, introduces him to his own associates; the bottle is pushed about, and their victim soon becomes tipsy; he is then, the feeling of revenge for past injuries being perhaps excited, proposed to be the putter up in an intended burglary upon an establishment where he has lived as servant: the proposal at first confounds him, but seeing the deceitful but apparent pleasant lives of those around him, being assured that he will have his share of the booty honourably given him, which, in his present distressed circumstances, forms a great inducement, and likewise, that he need apprehend no danger, as the robbery will be done without his presence, he at length consents to the proposal, gives the necessary information; his former master is plundered, he shares the spoil, "acts right" to the parties concerned, may be stimulated by success, puts up two or more other concerns:

in return he has by this time found acquaintances who give him a turn, one good action deserving another. A man thus reaches the top of the tree in thieving by a jump; still he is not considered safe or a tried man till he has suffered trouble. In due time he is caught at his misdoings, and sent to prison, which proves his firmness; if he remain stanch to his coadjutors and tells nothing, he is set down as likely to be "a good man."

Burglars never allow "a putter up" to accompany them to a robbery, nor do they let him know the time they themselves intend to go, thus avoiding "a double plant:" in the first place, they "being planted" by the putter up upon the property in the house, and should two or three officers be planted upon them to apprehend them in the fact, that would be a double plant; many instances of this kind are known, and it is particularly guarded against. The only information required is, in what part of the premises the most valuable part of the property is kept, the domestic regulations, and the likeliest method and safest part to enter. The public are now and then surprised to hear of the adroitness with which thieves have entered and plundered premises with ease, where apparently the greatest obstacles presented, but this surprise would be of short duration were it known that the robbery was committed by persons who, from description, were as intimately acquainted with every part of the premises as the master of the house.

The tools used in housebreaking vary according to the nature of the robbery; experienced burglars make their own as greater security; some of the most celebrated men in the line have been smiths or Birmingham and Sheffield manufacturers. The following are more or less required at every crack (burglary): Crow-bar, centre-bit, lantern, keys, picklocks, saw, pistol, pocket-knife, nux vomica or prussic acid. A short description of these instruments will be necessary properly to understand their use. The crow-bar is constructed on a similar principle to that in common use; they are of two sizes, one for the pocket, and a larger one; one end is made chisel-like, and the other curved; its use is to wrench open doors of every description, when noise is not of much importance; a door fastened by bolts in the inside, chests of drawers, boxes or cases of every kind, and even iron chests are readily opened by this instrument: in the opening of an iron chest, a thick piece of leather is applied to the edge of the chest, and a sharp blow struck with a large hammer or mallet to cause such disunion of the edges as to allow the point of the tool to be inserted; the leather being a non-conductor of sound prevents noise: in forcing drawers, a piece of cloth is thrown over them for a similar purpose: the tools are usually carried by one of the strongest and most courageous of the party, and occasionally become useful for other purposes. Four burglars went to burst the house of a colonel in a west-end square; they were forcing the kitchen door, which opened into the area; a policeman unexpectedly made his appearance, the signal was given to the men in the area by their pals, who were on the look-out outside; the robbery was immediately left off, but the officer, having a suspicion, came to the area, and made the inquiry as to who was there? and what are you about so late? An excuse was put in to this effect, "All's right, I am only chopping wood to light the fire in the morning:" the next question of "Show yourself" admitted of no reply; another "all's right" was put in, but without effect, for not showing themselves, the rattle was sprung; this was the signal for hurry and confusion; no time could be lost, carpet-bags, pistols, lanterns, and picklocks were all thrown down, and self-preservation cried to each make your escape. As the one who had been using the crow-bar to the kitchen door was getting over the iron railings his trousers caught the top, and he would have been taken but for the crow-bar, which still remained in his hand, and with which he gave the officer a gentle blow, which damaged his hat materially, and laid him prostrate: the railings cleared, he ran, turned

a corner of the nearest street; down an area went his hat, to the middle of the street went his crow-bar, he unbuttoned his coat and waistcoat and feigned intoxication, turned again, met his pursuers, but passed them unnoticed.

The centre-bit is a very essential instrument; it is made upon a small scale, the stock being formed to separate into pieces for the pocket; its use is termed panelling; holes are bored along the edge of the style of a door, within half an inch of the bead of the panel, a pocket-knife is then run along from hole to hole, the panel is removed, and an entrance is effected.

The dark lantern requires no explanation.

Keys and picklocks are always in requisition, either to gain an entrance into a house, or after the entry is effected. A family go from home, perhaps to church, and secure the door by locking it on the outside; the house may then be easily robbed, the latch forming no impediment. Picklocks are used to gain an entrance into banking-houses, warehouses, or other premises, where they are occasionally left upon the lock, but their principal use is after an entrance is effected into a house, to open rooms, closets, or other doors, boxes, and so on, where noise must be avoided, time not being an object, the application of picklocks requiring more time than that of the crow-bar.

The saw is used in cases where the lock or bolt is so strong as not to be strained by the force of the crow-bar; a hole is bored through the door, just above the lock, with the centre-bit, a key-hole saw is introduced, and the piece of the door upon which the lock is fixed is cut entirely away.

Pistols are now and then taken to burglaries, where the risk is great, where the expected booty is considerable, and where the parties concerned are well aware that, should apprehension take place, they, from a previous conviction, stand the chance of being hanged; but burglars know the dangerous ground on which they stand when brought to the bar on a charge of house-breaking if deadly weapons have been found in their possession, they therefore avoid carrying them as much as possible. It occasionally happens that a single party sleeps on the premises where a burglary is intended; in such cases a pistol is necessary, one of the party being placed at the bedside of the sleeper, pistol in hand, to prevent any disturbance from that quarter.

A pocket-knife is always carried; its use in panelling has been already shown, but it is generally useful, and is now and then used to cut a person's throat. In the murder of the policeman Long, in Gray's Inn Lane, some time ago, the impulse to assassinate him was momentary; the concern was a rich one, and the booty was not difficult to obtain; the disappointment and vexation experienced by the thief, Sepwell, alias Smith, in consequence of the watching of the officer Long, so exasperated him, that he momentarily stabbed the officer with a knife he carried for the purpose of panelling.

Nux vomica, commonly called hog's or ox vomit, and prussic acid are chiefly made use of to destroy animals of the canine species, which might disturb them by giving mouth.

In undertaking a burglary great circumspection is observed; the burglar reconnoitres before he determines on his method of entry, and he always determines upon the method of entrance before going to commit the robbery. The number of persons required at a burglary varies according to circumstances, two, three, four, five, or sometimes six: occasionally we hear of men who singly enter a house and rob it. When a concern is "a put up one," a less number of persons are required than when it is a chance undertaking, in which latter case, besides a looker-out on the outside of the house to notice the movements of the family, another is stationed on the stairs leading to the sleeping apartments; and now and then, where property is contained in a sleeping-room, a party is placed, pistol in hand, over those in bed;

these lookers-out are to give the earliest notice of the least alarm on the part of the family, or elsewhere, to their confederates engaged inside, so as to prevent their detection in the fact; and should apprehension take place, this notice allows them time to disengage from their persons everything improper, as booty, tools, &c. There are various methods of gaining an entrance into houses besides those described; an entry is frequently obtained by getting into an empty house nearest adjoining the one intended to be robbed, going along the tops of the houses, and entering at the attic-windows, or by opening a ground-floor window, and sending in a boy, who either packs up all portable articles in the room and hands them out, or he secrets himself till the family retire for the night, according to the direction of his employers, whom he admits when all is quiet. If the boy is discovered, his excuse is, that he met a man, whom he never saw before, who obliged him to come in at the window, but he did not tell him what to do. His eyes are speedily suffused; tears have a mighty effect, thieves say, on honest people; some good-natured dame in the family pities the boy, attributes all blame to some unknown naughty bad man, and sends the boy away, with perhaps a few pence in his hand, to meet his confederates round the first corner, grin at the credulity of their fellow-creatures, and to try their luck upon some other, and, perhaps, less fortunate neighbour. Sneaking is another method of gaining an entrance, but is more generally a country practice, town people being too much on the alert; a frequent method is as follows:—Two thieves in company, one goes up and knocks at a door, sends a petition or other message prepared for the purpose to the master or mistress of the house, observed by external appearances, as the situation of lights, &c., to be upstairs; the servant goes with the message, shuts the street door; in her absence the "pal" is admitted, who secretes himself; the servant returns, sees the person in the passage whom she left there a few minutes before; she does not suspect; the family retire, and when they rise in the morning find themselves plundered; servants are sometimes concerned, and more frequently suspected. The last-named method of entering a house is more frequently practised in the country, upon inns, taverns, &c. Two or three go into a roadside public-house, at a busy time, for instance, when the throng are returning from a neighbouring fair, prize-fight, &c., and whilst the people of the house are all engaged serving out liquors, they are themselves, to use an Irish expression, after being served out by the thieves, who, taking advantage of the opportunity, sneak up stairs and "nail" what portable articles are to be met with; bed-room doors, if locked, are easily screwed, chests of drawers are as readily bursted, and in this way "a good swag" is now and then obtained.

House-breakers are a distinct class of thieves; they differ materially from both common thieves and the swell-mob, although, from their having been much in trouble, and being considered tried men, they frequent the same houses as the latter, and, like them, dismiss everything flash from their appearance; frequently, when not employed in their own particular line, joining in the pickpocket depredations for which the swell-mob are celebrated. There are two sorts of thieves of this class: the one enters a house by violence, but after an entrance is effected keys are required to unlock locks of boxes, closets, &c. The other enters a house by stratagem, that is, with the aid of false keys. A very common practice amongst this class is to watch a house till, by the situation of lights and other circumstances, no one is supposed to be on the ground-floor; the lock of the door is then picked, and whatever is found in the passages or parlour is carried off—termed passage-sneaking, to distinguish from area-sneaking, another very generally practised game. The thief, with his swag-basket of peculiar construction under his arm, goes into a respectable neighbourhood early in the morning, and, commencing at the first house, he works through a street till he succeeds in drawing a servant-man away from his post (about

this time in the morning servants are polishing the plate in daily use), he slips into the area, and pops into his basket the spoons, teapots, &c. The excuse made use of in this case is a few lemons, which, if necessary, are offered for sale.

Warehouses mostly become the spoil of the burglar, they being for the most part made fast outside, where, from the presence of valuable property, a guard is left on the premises. A plant is put upon the place; the guard is observed to go to some neighbouring pot-house to take his pipe and pint of beer in the evening. The plant is continued; it is soon discovered what time the watchman leaves his trust and when he returns. This point gained, an opportunity is taken to fit the lock. A piece of steel, the shape of a key, coated with wax, tallow, or blackened by the flame of a candle, is introduced into the lock; upon the coating the impression of the wards are imprinted, and in this way, should the skeletons they have in hand not answer the purpose, a key is soon formed: three or four fittings may be required. Enabled to gain admittance, the next step is to lay a plant upon the guard; for this purpose one of the party, possessing "the gift of the gab," is chosen and sent to the house frequented by the guard, sometimes a few nights before, but always on the night of the intended robbery. He tells a good tale, sings a song, is noticed by or notices his man; an acquaintanceship is soon formed, he vouches the guard is the kindest and most convivial fellow in the world, feigns drunk, insists upon the other drinking at his expense; let it suffice, he keeps the poor watchman engaged till the signal is given by the confederates that all is right, when he takes his departure, leaving a shilling for another glass for his dupe, thus making certainty doubly sure. When the watchman shows no disposition for intercourse, the man planted upon him merely watches his motions, so that, if possible, he may give his associates notice of any movement which may prove destructive of their designs. An old thief, now a receiver, went with two others to rob a city merchant some years ago; a guard usually slept on the premises. "A plant" had been put upon him, the house he frequented had been discovered, a party was there to ply him with drink, and, all preliminaries arranged, they entered about 11 P.M., having been prevented doing so at an earlier hour, the neighbourhood not being sufficiently quiet. Shortly afterward a key was heard in the lock of the door; a moment's consultation was held to determine what steps should be pursued. The man who had the pistol planted himself behind some chests of tea, near the outer door; the one with the dark lantern got into the fireplace and stood erect; the other concealed himself at the back part of the place. Presently the door opened, and the guard came in grumbling and vowing vengeance on the heads of some boys whom he supposed to have put dirt into the lock, the wards having been strained in some measure by the use of the screw (picklock), and he finding a little difficulty in turning the key. Having entered, he locked, barred, and double barred the door; all was total darkness. He then proceeded to the counter to find a tinder-box; but this, unfortunately, had been displaced and pushed to one side. Here again he thundered heavy imprecations on everything and everybody in the place; at length he found the box, struck a light, and set the lamp upon the counter. The man who had the pistol, and who was placed directly opposite to him, expecting a discovery to take place every moment, agreeably to previous determination, raised his weapon with the intention of shooting the warehouseman, should his eyes unfortunately stray in that direction: he was seen to be inebriated. Having placed the lamp on the counter, he unlocked a large side-drawer and took therefrom a blunderbuss and two pistols; these were placed at the head of his bed, under the counter. He then undressed himself, extinguished the light, and retired to rest. After a short time a loud snoring was heard; the man with the lantern first emerged from his hiding-place, the others soon followed; the fire-arms were removed from the watchman's bed; the man

with the pistol placed over him, whilst the other packed up property, chiefly silk goods, to a great amount. A coach was at hand, they locked the door after them, and safely decamped with the booty.

It is said that a gunpowder is used by burglars composed of equal parts of common salt and gunpowder heated together, and that this lessens the report. Banks are plundered in a similar way to warehouses, when similarly situated. This species of robbery is only practised by "tip-top men." The scheme, unless the concern be a put-up one, is generally concocted by some of the swell-mob, who, from the annual tours they make through the country, have opportunities of knowing and gaining information from persons connected with such establishments. When a bank robbery has been fixed upon, burglars are consulted; and now the thief experiences the advantage of maintaining "an unblemished character for integrity" amongst his brethren, such men being chosen as parties in the present undertaking. The number engaged in a concern of this description is five or six men and a female. A meeting is called, they agree as to the likelihood of success; an equal stake is put down by each party, say 50*l.*, to defray expenses; and this sum has oftentimes to be repeated. Two are deputed to go to the place to reconnoitre, and gain what particular information they can, so that a somewhat conclusive opinion may be formed by the parties in congress as to what particular part of the premises they must direct their operations, in what method an entry must be made, and other means necessary to carry on the work. One of the party is sent to reside in the neighbourhood of the place with a female, as man and wife. To take off any suspicion, this party becomes, *pro tempore*, a dealer in some line of business; his house serves as a safe closet in which their future plans are to be perfected; here all their false keys are altered, or, if necessary, new ones made; all their tools deposited; and here, the work being finished, they destroy that kind of property they may have brought away, which to them is valueless, but might lead to a discovery, as books, papers, &c. In most cases, three or four months are required, and several entries are actually made into the bank before a fitting opportunity presents itself to complete the work.

It is generally found that burglars make confidants of their women, although they firmly assert the contrary; yet we here find the old motto verified—"Experientia optime docet;" for when a discovery of the parties concerned in a robbery has taken place some time after the commission thereof, and where the circumstances, from a length of time having intervened, was supposed buried in oblivion, such discovery has most frequently occurred through women, and often in the following way:—Two women living with thieves are taking their "drop of ruin" together, a quarrel arises as to the superiority of their fancy men in their line of life; one swears her man is the best burglar, and the other as stanchly upholds the superiority of hers; a species of jealousy arises, and each, to substantiate their case, tells the feats performed by their men, but in too loud a tone of voice; the conversation is overheard, and the necessary information is given to cause the apprehension of the offenders: or, in other instances, one of the females, fired with envy, perhaps in a state of intoxication, and thinking that by so doing she will deprive her acquaintance of that which she values so much, her fancy man, and thus gain a victory, gives the information herself to the police; and thus criminals are now and then brought to justice. "When rogues fall out, honest men get their due."

In the case of the robbery of Balfour, the pawnbroker, of Chandos-street, some years ago, a quarrel between two females was the cause of one man being hanged and two other persons transported for life.

When the thief arrives "at the top of the tree," he frequents the same houses as the swell-mob, and when not otherwise engaged accompanies parties of them in their depredating games. These games we must now briefly describe. What this class of people do is upon a superior scale;

their principal game is picking pockets, not of a petty description, their aim being to steal watches, snuff-boxes, pocket-books, or purses, never interfering with the minor tricks, for if they should be obliged to take out of the pocket a handkerchief, after a good booty it is replaced. There are different terms made use of expressive of their various methods of stealing from the person. In hustling, the victim of plunder is surrounded in a push, and, as will presently be shown, he is robbed of every valuable article in his possession. Another mode more particularly applies to the quick extraction, as by a snatch of a watch from the fob or waistcoat-pocket; another is particularised by violence; the mob meets a man, hustles him; if he will not quietly drop, but becomes obstreperous, he is knocked down and robbed: the Spitalfields weavers' bull-baiting on Easter Monday afforded abundant opportunities for such robberies, which at that time could be pursued by all classes of thieves almost with impunity. The method of plunder pursued by the swell-mob is as follows:—Six, eight, ten, or twelve persons form a mob, and go out together. They are all respectably attired, and frequent all public assemblages of the people where they may expect numbers thronged together, as races, fairs, prize-fights, processions, ceremonies, &c. These places form a grand centre of attraction for them; here their bread lays, and here they are ever to be found. They keep together, not appearing to be known to each other. By noticing men, they are enabled, through long practice, pretty correctly to tell whether a person has property about him. Some betray themselves by showing a certain anxiety after their charge by frequently applying the hand to the pocket; others by retaining it there, &c. They soon mark a victim; they follow him till a push occurs, either accidentally by meeting a group of people, or intentionally made by themselves. Two go before their man, the others close up behind; their victim is hemmed in, a push takes place, he is jostled and hustled about, the thieves cry out to those behind not to press so, the press is increased; the victim being surrounded, his pockets are presently turned inside out. No time is lost; if he does not readily raise his hands, but keeps them in his pockets, or at his side, to guard his property, his hat gets a tip behind, perhaps it is knocked over his eyes. To right his hat he raises his arms, nor does he get them down again till eased of everything in his possession. His fob and vest-pockets are emptied by the thief standing beside him, and placing one arm against the chest of the dupe, by this means keeping his arms and head up whilst with the other he unbuttons the coat and rifles the pockets; the trousers-pockets and coat-pockets are emptied by those behind, others behind them immediately take the property. When the gentleman has been robbed, the signal is given to that effect: the push subsides. The person immediately discovers his loss, he looks about him, and is, in the language of thieves, "stunned," but no detection takes place; the mob move away in different directions, and again assemble and repeat their game. This system of thieving is nearly safe; it is practised with impunity in a push, and it may be conceived to be a very lucrative profession when it is recollected how readily, under the circumstances of a push, a person may be stripped of his property. This game is so general, that few men of sporting notoriety pass through life without having their pockets turned inside out more than once.

The swell-mob may truly be said to receive the "honey without the gall" attending thieving; their system of picking pockets in mobs almost secures them from justice. They pursue other games besides picking pockets, as selling valueless articles as costly, obtaining money or goods under false pretences, cross gambling; when a man becomes a good gambler he discontinues all other games; the gambling chiefly carried on is, thimble and pea game, prick in the garter, and higher ones, as rouge et noir, roulette, une, deux, cinque, non à prise, French and English hazard.

The game of reticule-hunting is extensively practised by this class of

thieves. At a race, the moment of suspense and anxious expectation created invariably when the horses, having rounded the distance post, are spurred by their riders, straining every nerve to come in, every eye is directed to the course, every attention is occupied by the all-engrossing scene, but amidst all the thief is to be observed watching his prey; to him the turf yields no delight, but only as it contributes to aid him in the system of plunder he pursues. A lady is seen to carry a silk bag; a boy engaged by the swell-mob, and smartly dressed, steals near her, and with his scissors cuts open the bag, and extracts the small pocket-book generally carried by females in their silk bag or reticule; at another part of the course, the coach-stands, you will see a thief, under pretence of an anxious wish to peep at the horses, raise himself by stepping upon the spoke of a carriage-wheel; a single glance into the inside tells him where the gentleman's watch, spectacles, the lady's reticule and pocket-book lie, deposited as in a place of safety by their side, on the cushion; whilst their attention is wholly taken up in observing the coming in of the horses, the thief stretches forth his arm and takes what he sees. Much valuable property is stolen in this way; there are many who for years follow this species of thieving alone, making sufficient during the summer months to pass the winter comfortably.

Some of this class of people combine the qualifications of pocket-pickers and housebreakers; they are distinct from common thieves, and look upon them with a scornful eye; they are seldom the inmates of a prison-house; a line of demarcation is also to be drawn between those of the swell-mob who, having received a superior education, are enabled to mix in the higher circles of society, gaining a livelihood by practising on the credulity of mankind,—and that class who have gone through the degrees of thieving, of little or no education, able to assist in hustling a man for the purpose of robbing him, but not possessing the necessary qualifications to concoct and carry into execution a scheme upon an extensive scale; the man who is all-sufficient at robbery might be at a loss in politely offering to assist a lady over a street-crossing for the purpose of stealing the dividend which she has been observed to receive at the Bank of England a few minutes before, and to deposit for security in her reticule.

Thieves arrive at great perfection in picking pockets; one would suppose the following a fair specimen of consummate impudence, and it is of daily occurrence with thieves expert at their business. A thief passes a gentleman walking, turns round, sees a handkerchief in his coat pocket, goes up, steals it, looks if it is marked, if not, walks ahead, turns again, meets the gentleman and flashes the handkerchief before his eyes; this done, the thief walks away; if the gentleman follows, he has the double annoyance of receiving all manner of abuse, and of seeing his property in the hands of another; this sort of bravado often costs the thief three months' imprisonment. The same cause by which so many thefts are committed with impunity frequently operates in saving a thief from punishment: this applies more particularly to pickpockets; gentlemen are sometimes so adroitly robbed as not to perceive their loss, and when informed thereof, the very expertness with which the act was performed prevents a man of certain indefinite philanthropic feelings from prosecuting the offender.

The swell-mob, generally speaking, are composed of men who have received education, some respectably connected, all well dressed; in society, except to their immediate associates, they appear and are considered as gentlemen. They frequent more particularly public-houses kept by "right men," who have themselves lived by depredation, or are accredited right men by acting friendly to thieves; at these houses the landlords appropriate a room for their use; here they meet in a body the evening before any public ceremony or procession, to arrange their plans of working together on the following day. These are their houses of call; here they

are to be found or heard of when one requires the aid and assistance of another in any concern he may have in hand: their apartment is occasionally held sacred by even the landlord himself; 'tis true the door is unlocked, but should a stranger by chance unfortunately walk in, the treatment he experiences from the taunts, gibes, titters, and continued stare, render his situation truly irksome, and he is glad to take the earliest opportunity of quitting. The flash-houses are frequently changed; this occurs by the landlord having young thieves as customers, and allowing dancing and late carousings, by which means he soon loses his license. There is a house in the Strand which has been celebrated for years as turning out a first-rate swell-mob; the landlord preserves good order and regularity, and therefore retains his license. Besides the habit of frequenting their houses of call, the swell-mob are to be found in the parlour of many respectable taverns or hotels. Their plan is to walk in, two together, and seat themselves apart from each other in the room; they call for their brandy and water, and engage in the common chit-chat of the day, till they perceive some well-lined pocket; this point gained, their victim is marked; when he leaves the room, the information is given by the one who perceived the booty, two keep him in sight, the others speedily follow, and on the first opportunity he is hustled as before shown. Any opposition is vain: should the gentleman by chance prove aware of them, the signal, being given, has an instantaneous effect, the attempt ceases, and the danger is over.

Truman and Hanbury's collecting clerk was hustled a short time back, and dropped what cash he had about him; the job was put up, the thieves having had previous information. It is matter of surprise and curiosity to know by what means this class of people obtain information respecting the money affairs of individuals, yet it is not the less true, for it is well known they either themselves, or through their agents, can gain what information they require upon any subject, and surprise must cease, when it is considered that in its present constituted state a well-dressed and gentlemanly behaved man can gain access into any society. How do those extensive robberies from the person, and those schemes of aggrandizement we daily hear of, take place without a previous intimate circumstantial knowledge? This is readily attained by mixing in the necessary society. The forgery cases in which Roberts (notorious as having raised a mortgage on the Duke of Northumberland's property) was the means of first inducing clerks of banking establishments in town to aid him in committing, and whom he afterwards betrayed into the hands of justice, will be long remembered. How did he implicate these young men but by mixing in their society?

A man is not necessarily obliged to be a man of great property to be privileged to enter the rotunda of the Bank of England, the drawing a very trifling dividend constitutes his business there; what more easy and more frequently practised than to take a stand and lounge there in business hours, till an acceptable booty presents? The thief ever has an eye to business; he espies his prey, the confederates are at hand, and according to circumstances the method of plunder is regulated.

Although for the most part a thief confines himself to the practice of one kind of thieving at any particular time, yet, as will be perceived, he can practise, as occasion may require, many different branches of the profession. Although the modes already described are the principal descriptions of thieving, they are by no means all, the varieties are innumerable, many equally deserving of notice; stealing wet linen is a distinct game, dog stealing is another, but of all those minor depredating crimes undescribed, there is none so extensively carried on, and more manifestly injurious, than uttering bad money; this is a trade for the indolent, in which hundreds are constantly employed. The money passes through several hands: first there are the makers; silver is chiefly made in London, but gold at Birmingham; then we have the wholesale dealer, next the retail dealer, and last, the

smasher or utterer, who, as usual, receives least of the "sweets" and most of the gall attending the prosecution of this game; most of the dealers are Jews, and from the maker to the utterer each has his profit, but as a general rule the retail dealer purchases 6*l.* of base coin for 1*l.* sterling. One individual has for some time supplied most of the town smashers; he meets them regularly every morning at an appointed house, and supplies each according to their means of purchase for that day's issue, the sovereigns at 4s., the crown at 10*d.*, half-crowns at 5*d.*, shillings, 2 *d.*, &c.

To guard successfully against the above plunderers of society is a task of no little difficulty; we must allow experience to be a good guide. Pickpockets say, that if a handkerchief be carried in the inside coat-pocket, hat, or even pinned in the outer pocket, they are foiled. Shop thieves say, if a till be locked or a nail at the back part to prevent it drawing entirely out they are balked. Pickpockets say, if they get a man into a push he must be robbed, unless he is aware of them; if so their cant words will save him; if he keeps out of a push, his cash in an inside pocket, his watch well guarded by a chain, or wears a cloak in the season, they are foiled. The house-breaker says, a plate of sheet-iron on the inside of the door foils him in his attempt at panelling, and that Chubb's lock gives a great deal of trouble in opening, but Bramah's has as yet defeated all their attempts. The thief who robs shop-windows says, wire gauze curtain inside the glass foils him. The thief who robs shops by "palming," that the shopkeeper must be aware of the game of palming to guard against his attacks. And the most notorious smashers say, that bad gold is known by its deficient standard weight, bad silver by its malleability and greasy feel.

No. 7.

The Watch Committee for the Borough of Liverpool, having now appointed and organized a Constabulary Force, submit to the Council the following Report on the State of Crime in Liverpool :—

In the Supplement to their Report of the 3d of February, 1836, your Committee gave a general outline of the plan on which the operations of the New Police are to be conducted. The prevention of crime, which it needs no argument to prove, is much more beneficial to society than its detection, was the chief object kept in view in framing that plan; and it is with the same object that your Committee now submit to the Council the following statements and remarks:—

The extent of crime will generally be found to be in proportion to the facility and advantage with which it can be committed; those, therefore, who afford facilities to the commission of crime, and those who hold out the means to the offender of deriving that advantage from his offence, the prospect of which allures him, ought to be vigilantly watched, and, when detected, should be visited with the utmost rigour of punishment. To this class of persons belong receivers of stolen property, keepers of brothels, and of public-houses, taps, and beer-shops of a disorderly description.

Receivers of stolen property are the chief supporters of thieves; it is through them the thief is enabled to profit by his theft; it is not enough for him to steal, he must be able to dispose of the property he has stolen. There are some hundreds of these receivers in Liverpool, and it may perhaps be impossible entirely to eradicate them from so large and populous a place; but, under the constant observation of a well-regulated Police, with a Magistracy determined to enforce the laws, their mode of life would become so dangerous, difficult, and precarious, that it may be fairly calculated the great majority of them would abandon it.

There can be no greater facility given to the commission of crime coming under the notice of the Police, than that which is afforded by disorderly

public-houses, taps, beer-shops, and other places of licentious resort; and the statements your Committee have collected, on the correctness of which they can confidently rely, show an almost incredible number of these dens of infamy. It appears there are between three and four hundred public-houses in the borough (nearly one-fourth the whole number of licensed victuallers) that are habitually kept open until after twelve o'clock at night, and from nine hundred to one thousand that are open on Sunday mornings between four and six o'clock, and remain open until church-hours. There are sixty to seventy taps, and several hundreds of beer-shops which are supported entirely by the worst of characters. In Williamson-square and its immediate vicinity there are upwards of twenty saloons, and other places of public resort, appropriated to thieves and prostitutes; and, independent of these, there are more than three hundred brothels in the town, in all of which wine and spirits can be procured; one hundred of them are in the neighbourhood of Williamson-square, and within a circuit of less than fifteen minutes' walk; in one street there are no less than twenty-two.

To illustrate the effect of disorderly public-houses on the morals of the community, your Committee will narrate the following fact:—

The late Mayor, James Aspinall, Esq., in the early part of his mayoralty, issued a notice, ordering that all public-houses should be kept closed during the early part of Sunday. Previous to this order, the districts comprising Dale-street, Tithebarn-street, and Vauxhall-road, where the scenes of gross disorder, and the list of prisoners brought before the Magistrates on every Monday morning varied from one hundred to one hundred and twenty: the order was for a time obeyed, and the consequence was, that the streets were peaceable. The public prints complimented the Chief Magistrate, and the number of offenders on a Monday morning diminished from about one hundred and twenty to fifty! The law, however, did not support the Magistrate; the public-houses were re-opened, and the same disgusting scenes again desecrated the Sabbath!

Another instance may be related as bearing with equal force upon the subject:—

A publican in Brick-street set the law at defiance, and kept his house open all night. The neighbourhood was in consequence kept in a state of tumult; watchmen were brought from their beats, and as many as twenty or thirty persons were, on a Saturday night, lodged in Bridewell. Brick-street obtained a disgraceful notoriety. This continued for months, until the officers succeeded in convicting the publican, and his license was withdrawn. The scene has since completely changed. Brick-street is comparatively orderly; it does not now send one offender before the Magistrates in cases where it formerly furnished ten!

The taps of disorderly public-houses are generally let off by the publicans at sums varying from one to two pounds per week, and are screened under the publican's license.

The tendency of the saloons, where the excitement of the dance, the song, and comic recitations, is added to the effect of intoxicating liquors, is too obvious to require comment.

Your Committee, considering that the indispensable preliminary to an attempt to remedy an evil is to ascertain the extent as well as the nature of it, have taken pains to procure information as to the number of thieves and prostitutes at present infesting this town. The result of their inquiries presents a frightful picture of human depravity; but, disagreeable as the duty is, the same consideration that prompted their inquiries compels them to place that result before you.

The number of brothels has already been stated at upwards of three hundred. In nearly the whole of these are females, in some two, in others ten; on an average four; or, in all, twelve hundred prostitutes; and it is

estimated that more than double that number have their lodgings in other places. It is the opinion of those experienced in Police affairs, that a very large proportion of these do not subsist solely by prostitution, but are the companions and accessaries of thieves; and, in general, themselves thieves and pickpockets. The weakness and thoughtlessness of men give this class of thieves peculiar facilities. Being permitted, so long as they do not disturb the public peace, to walk the streets, they find no difficulty in coming in contact with persons who quit the public-houses late, and in a state of intoxication, and in leading them into places of robbery and plunder. In nine cases out of ten, even when detection ensues, the dread of exposure prevents prosecution, from which circumstance, and the frequent disinclination to commit on charges termed disorderly, and which are discreditable to the complainants, female thieves may be said to rob almost without fear of legal consequences. Their depredations are extensive: the robberies in one house alone, brought before the Magistrates in twelve months, involved no less a sum than one thousand pounds!

These of themselves, therefore, form a grievous pestilence, but the evil they produce does not end with their individual depredations; to the extent of nearly one-third, each prostitute is connected with a man, who cohabits with her, lives on her plunder, or when she is unsuccessful, picks pockets and commits robberies himself, to which she is not unfrequently an accessary. Besides men attached to prostitutes, there are upwards of a thousand male thieves; there are five hundred more who work at intervals, but steal when the opportunity offers. To the list must be added nearly six hundred employed or frequenting the docks, and upwards of twelve hundred thieves under 15 years of age, who are in general the tools of the adults. This mass of vice is maintained at an expense to society, the amount of which staggers belief. By the accounts placed in the hands of your Committee, it is estimated at upwards of SEVEN HUNDRED THOUSAND POUNDS per annum, and from the information your Committee have collected, they must declare their conviction that immense as this sum is, it is not exaggerated; on the contrary, it is much understated.

A large proportion of this amount is obtained from strangers; but this furnishes no reason why the local authorities should not, to the utmost extent of their power, take measures for the diminution of so enormous an extent of crime, the baneful influence of which, on the morals and interests of the people, must be apparent to every reflecting mind.

It must be presumed that such a state of things can only exist when the Police, or the administration of justice, is extremely inefficient. In the organization of the new Police your Committee have anxiously endeavoured to frame for its government instructions which, when followed by a vigorous enforcement of the laws, will, they would hope, materially diminish the evil.

Your Committee would now call upon the Magistrates, the Council, and the Public, to aid in the abatement of the intolerable nuisance which has been disclosed, and it is with this view that the present Report is submitted.

And if, after every effort in the power of the Magistracy and Police, the laws should be found incapable of forcing the barriers behind which the evil has entrenched itself, surely the welfare of the community is of sufficient importance to demand that the defects be brought before the notice of the Legislature.

By order of the Committee of Watch,

JOHN HOLMES.

Town Hall, March 2, 1836.

No. 8.

LETTER to EDWIN CHADWICK, Esq.,' from Sir Baldwin Leighton, Bart., of Loten, near Shrewsbury, dated February 27th, 1839.

MY DEAR SIR,

In a letter I received from you some time since, you expressed a wish that I should send you any information that I might have obtained on the subject of a rural police. Although I had at that time a very strong opinion of the necessity of an alteration in the present inefficient Constabulary Force, yet as I had no returns on the amount of crime, &c., to send you, I deferred answering your letter till I could obtain them.

In the latter end of the year 1837 the magistrates of this hundred agreed to procure a constable whose whole time should be employed in the duties of his office. A small sum was raised among the gentry of the neighbourhood, and two of the magistrates agreed to insure the constable 1*l.* per week in case the fees did not amount to that sum. I enclose several Returns, by which you may see the working of the measure in this district.

Return A is an account of the old constables of the hundred; but although drawn up by the newly-appointed policeman, who may be presumed not to be very friendly towards the former system, is, to my knowledge, perfectly accurate. Every one, however, appears to consider the old plan quite unfit for the present period, and you may probably consider the above-mentioned account quite superfluous.

One of the principal objections to the establishment of a paid police I have always found to be the fear of expense. It is to show the fallacy of this opinion I have drawn up the Returns B and C. From the former you will perceive that this county is actually paying upwards of 800*l.* per annum to the present constables, besides the sums paid for bailiffs at the sessions, extra assistants required by the gaoler on the trial of prisoners, and several other offices which might be performed by a salaried police. I believe, if only these sums were reckoned, we could in this county maintain an efficient police at the same cost as is now paid for almost no police at all. But there ought to be counted, in addition, the diminution of the expenses of prosecutions and maintenance of prisoners, which, although they would increase during the first year, would afterwards lessen in a great degree; and also the greater security of property: the saving on this head it is almost impossible to form any estimate of.

Return C shows, in a most satisfactory manner, the decrease of crime in the district, owing entirely to the exertions of our policeman; and it shows also an extent of depredation of which none of us were before aware; for as the tracing offenders occasioned formerly a great loss of time, and also, what the farmers thought more of, often an expenditure of money, for the parish constable had to be paid, they seldom took any steps to find out the offender, but quietly put up with their loss.

One of the greatest checks on the commission of crime is the certainty of conviction, which does more to deter than severity of punishment. Formerly, in this district, if the thief was not taken in the fact, he generally escaped detection. Now, however, on a robbery coming to the knowledge of the constable, an immediate pursuit is made; and the farmers, being aware that they can apply to him without occasioning any expense, and at very little trouble to themselves, now generally send over to him on the commission of a robbery; and, in consequence of immediate information having been given, eight offenders were apprehended who, I am quite certain, would otherwise have escaped detection. The total number of offenders tried from this hundred during 1838 was 19: of these only five were acquitted, and the jury, in most of these cases, I verily believe, returned a verdict of not guilty owing to the small value of the property stolen; the

offences being, stealing turnips, a vermin trap, one cwt. of coals, and a bundle of pea-rods. In none of these cases, however, was the policeman employed to collect evidence; whereas, in every case which he got up, a conviction followed. I mention this to show how necessary it is to employ constables, who can procure the necessary evidence, so that if the party is guilty a conviction may follow.

There is one other subject to which I wish to call your attention, in case of the establishment of a rural police, and that, is, that a magistrate's warrant should extend beyond the bounds of the county for which he acts, without the necessity of having it backed by a justice of the place where it is to be executed. Living on the borders of two counties, I constantly see the inconvenience arising from the present state of the law; and, in a case in which I committed the parties last year, I am certain they would have escaped had I not been a magistrate for both counties. In another instance, I issued a warrant as a Salop magistrate, and backed it for Montgomeryshire; but the offender went about seven miles off into an isolated part of Denbighshire, where the constable, as it was not a case of felony, dare not touch him, and he would have had to travel 20 miles before he could have obtained the signature of a Denbighshire justice; the consequence was, the offender escaped at that time, though subsequently he was taken.

Believe me, &c.

BALDWIN LEIGHTON.

(Return A.)

Observations upon the Petty Constables of the Hundred of Ford, County Salop, by W. Baxter, Police Officer.

I find the petty constables, almost without exception, to be pot companions of the disorderly characters in their respective neighbourhoods, and to have been in the habit of stopping in the beer-shops until a late hour at night. Was called in after nine o'clock at night, during November, by a publican, to clear her house of about 30 colliers, who were acting riotously, and having done so, I was soundly lectured by the petty constable of the township, himself drunk, for laying hold of the men, and forcing them out of the house, and he complained bitterly that the landlady would not sell any more drink. In some cases publicans are appointed constables, as, for instance, B———, of the ———, who is constable of R———. The impropriety of this is obvious.

Richard R———, petty constable of S———, was drinking at a beer-shop till nine o'clock, with some of the worst characters in the neighbourhood, and upon being, with difficulty, turned out of the house, a pitched battle was fought in the presence of the constable, who indeed was one of the foremost in encouraging the combatants, and eventually I was sent for to put a stop to it. Since then I have taken two of the above party into custody, upon several charges of robbery, for which they now stand committed.

It has been common with one of the township constables, to my knowledge, to take a bribe not to notice breaches of the peace. On the night of the 1st of January, 1838, there was a dance in a beer-shop at Pontesbury, and about nine o'clock there was a most tremendous fight among upwards of 20 men: the constable was drinking with them, and in the row he got upset, and, to make the matter up, he received 1*s.* 6*d.* from one man, and, I verily believe, sums also from others.

(For this conduct he was fined by the magistrates.—B. L.)

This man has been a constable for more than six years, and although

the beer-shops have been in the habit of selling beer to their customers at all hours of the night, yet he has never laid an information against them, for he can have drink from them at any time without paying for it. He is an elderly man, and was appointed to that office in consequence of applying for parish relief; and it appears that, although he could not earn his living at cobbling, which is his trade, he was quite good enough for a parish constable.

E. P———, constable of ———, constantly employs the most notoriously bad characters. At this time there is one man who worked for him in Montgomery gaol, convicted of stealing geese; and he has now in his employ a man who has been punished for dog-stealing, and whose house I have twice had occasion to search; and another labourer, in whose house I found stolen property, and who, there is no doubt, was aware of it, although he was not punished for it; and a third whom he knows was concerned in poaching with a prisoner now in Salop gaol.

Sometimes the constables can neither read nor write. For instance; at a petty sessions I attended in Montgomeryshire, the constable had served a summons upon a person for non-payment of poor-rates: the man did not appear, and the overseer pressed for a distress warrant; but the magistrates declined granting it, as the constable, from his inability to read, had not examined the summons and copy, and consequently was unable to prove that the summons he delivered was a copy of the one he held.

(Return B.)

Estimated Amount of Sums received by Petty Constables in the County of Salop, 1837.

	£	*s.*	*d.*
For conveying offenders to gaol	273	11	9
From the county treasurer's account:—			
Constable's expenses at assizes and sessions, as witness for loss of time and mileage,—assizes, 43, and sessions, 146 prosecutions,—total, 189; say	179	10	0
The average payments to constables on 20 prosecutions in 1837, was 18*s.* 9½*d.* on 51 prosecutions in 1838, 19*s.*			
Paid by county:—			
Expenses before committing magistrates in cases of felony, 189 prosecutions	85	0	
51 cases, in 1838, cost 22*l.* 11*s.* 6*d.*, or nearly 9*s.* per case.			
Paid by county:—			
Fees received by constables, at 16 petty sessions, 9 at 20*l.*, 5 at 10*l.*, 2 at 5*l.*	240	0	0
This is estimated from returns received from only two petty sessions, but is believed to be under the real amount.			
For fetching coroner, &c., paid by parishes, estimated at .	10	0	0
But believed to be very much below the actual amount.			
	788	1	9
Two constables were employed in the county, and paid by a salary, in addition to fees, one about 30*l.* per annum, the other 1*l.* 1*s.* a week for half a year . . .	56	5	0
	£844	6	9

This estimate does *not* include the police of the boroughs having separate jurisdiction.

(Return C.)

Receipts of W. B., Police Officer in the Hundred of Ford, from November, 1837, to November, 1838.

	Gross Receipts.	Expenses allowed.	Net Receipts.
	£. s. d.	£. s. d.	£. s. d.
Serving warrants and summons .	29 13 3	5 5 0	24 8 3
From the county: conveying prisoners to gaol, and attending prosecutions .	14 11 10	6 9 0	8 2 4
Seven beer-shops and one public-house informations . . .	9 15 6	..	9 15 6
From the treasurer of the subscription fund	9 14 0	..	9 14 0
	63 14 7	11 14 6	52 0 1

(Return D.)

Number of Robberies committed, and value of Property stolen, in the Hundred of Ford, from November, 1837, to February, 1839.

Months.		Robberies.	Value. £. s. d.
3	From November, 1837, to 31st January, 1838 .	25 .	18 10 6
3	„ February 1, 1838, to April 30 . . (One robbery of 50*l.* in money.)	17 .	94 12 6
3	„ May 1 to July 31 . . .	14 .	22 8 6
3	„ August 1 to October 31 . . .	4 .	2 12 0
3¼	„ November to February 22 . .	5 .	1 15 0
15¼		65	£139 18 6

The population of the hundred is about 7400, and the extent 12 or 13 miles long, by about nine wide.

The inhabitants are agricultural, with a few miners (coal and lead), and there is no town in the district.

No. 9.

Suggestions communicated by Thomas Dyer, Esq., a Magistrate for the County of Surrey.

To ascertain how far constables are effective for the duties they are intended to perform, it will be necessary to investigate the nature of the duties, and the manner in which they are fulfilled. Before we can decide how these first moving powers of the complicated machine of criminal law acts in advancing or retarding the great object of the whole, "the suppression and punishment of crime," it is necessary to examine those parts immediately in connexion with them, and in doing so, I will confine myself as much as possible to the particular object of your commission. By reference to the Appendix of the County Rate Commission, Second Report, it may be seen that almost every correspondent complained of the inefficiency of the parochial constables, and I submitted for their consideration some propositions for remedying those defects which bear directly on the county-rate.

I then contemplated only paid parish constables, under which system I proved, by calculation, that under the head alone of conveying prisoners to gaol a saving might be made of from 50 to 75 per cent.; but that plan would not meet the difficulties and delays of forwarding information, or executing process, as such constables would necessarily be confined to act within their parishes or districts, and that serious consequences arise from such restrictions, will be seen from the answers to questions 35 and 36. In my calculation I proposed that 3*d.* per mile should be allowed the constable for the conveyance of prisoners to gaol, as he, being only a parish constable, would have to convey the prisoners the whole way; the distance varying, as it does in the country, from 10 to 48 miles, too far for him to return the same day, it would therefore be necessary to make that allowance to cover his expenses. But if a general police were established, the policeman in charge of the prisoner at conviction should conduct him to the next police station on the road towards the gaol, and deliver him, with the commitment, to the police there, and so forward him on from station to station to the gaol, as by such regulation the policeman would not be taken any considerable distance from his station, and should be considered part of their duty, for which no extra allowance would be necessary. Thus ridding the county rates of one of its heaviest charges, and the charge for subsistence as at present allowed to constables entirely saved.

The prisoner being allowed 6*d.* per day for subsistence the same as a military prisoner; this is thought too little by some with whom I am always sorry to differ, but I do so in this instance, on the principle that the worst crime a soldier could have committed to be under military escort must be a assertion, a serious offence in military law, still in moral turpitude not equal to many (if any) of those crimes for which a civilian is sent to gaol. In case the distance should be too long to be performed in one day, the prisoner should be lodged at the police station as hereafter to be explained. Of course this mode could only be adopted with justice where the prisoner is committed under summary proceedings, or in default of sureties for the peace or good behaviour. Summary commitments bearing the proportion to commitments for trial of 100 to 1; it would be necessary to allow a certain extent of discretion to the committing magistrate in cases of bodily infirmity, and in all cases the prisoner ought to be allowed to provide a conveyance at his own cost.

Let me now compare the expenses of conveying 100 prisoners under the present mode with what they might be with an established police.

First, for a distance of 12 miles—

	£.	*s.*	*d.*	£.	*s.*	*d.*
At present it costs the public to convey a prisoner 12 miles, at 1*s.* per mile	0	12	0			
Subsistence of a constable one day	0	1	0			
Ditto to prisoner	0	9	0			
	0	13	9			
100				68	15	0
By a police force, allowing the prisoner the same subsistence as at present, 9*d.* per day	0	0	9			
100				3	15	0
Being a saving to the public of				65	0	0

Secondly, where a prisoner is conveyed 48 miles—

	£.	s.	d.	£.	s.	d.
One prisoner 48 miles, at 1*s.* per mile	2	8	0			
Subsistence for constable two days, at 1*s.* per day	0	2	0			
Ditto for prisoner for one day, at 9*d.*	0	0	9			
	2	10	9			
For 100				253	15	0
With a police force, subsistence for a prisoner while travelling 48 miles, at 12 miles a day, four days at 9*d.* each	0	3	0			
And three nights at 9*d.*	0	2	3			
	0	5	3			
For 100				26	5	0
Being a saving to the public of				227	10	0

Great reductions might be made also in the expenses of conveying prisoners to gaol before trial, but, as the subject of punishment, classification and confinement in gaols, is under the consideration of Government, and some alterations from the present system would be necessary to carry it into effect, I will pass over that for the present.

To arrive at the annual cost to the public and individuals for constables, it is necessary to ascertain their duties, what they are paid, and how often their services are required during the year.

The following are the duties constables are usually called on to perform for the public and individuals, with the charges for such service:—

	For Individuals.			For the Public.		
	£.	s.	d.	£.	s.	d.
Serving a summons or executing warrants in cases of the non-payment of poor-rates. When the defendant establishes his case, or is committed in default of non-payment, it falls on the poor-rate. In all cases of a public nature, such as larceny, felony, or where a case goes to trial*	0	1	0	0	1	
Serving summons, executing warrants, as above, when the defendant fails in his case; and in cases of summary convictions	0	1	0	0	1	
Attending to prove service of summons, or with a prisoner, charged to the public or individuals according to the nature of the case. When the duty is performed in the parish	0	1	0	0	10	
When at Bench, or a distance of six or seven miles	0	2	0	0	20	
Conveying Prisoners.						
One prisoner, 1*s.* per mile each	0	0	0	0	0	
Extra prisoner, 3*d.* per mile	0	0	0	0	3	
Subsistence for constable 1*s.* per day; ditto one night, 1*s.*	0	0	0	0	0	

There are other duties, such as executing search-warrants, that are paid for according to the time occupied either by the public or by individuals, as

* The defendant paying the costs at the time of commitment, which are reimbursed to him out of the county-rate after trial, by the certificate of the committing magistrate.

the case may require. If the case goes to trial, the constable is allowed expenses from the county-rate.

Having ascertained the constable's charges for each particular duty, it is only necessary to know how often he was employed in each case for the public or individuals, to decide the annual cost to each.

From my register it appears that, in the year ending Oct. 1st, 1835, there were informations for the following offences laid before me for the parish of Chobham only: viz., 15 assaults, 7 under Peel's Act, 58 non-payments of poor-rates. But, of course, other cases were taken to different magistrates.

The following is a calculation of the expenses to constables for individuals and the public for the above year:—

CONSTABLES' CHARGES for the Year ending Oct. 1, 1835; before THOMAS DYER, Esq., for the Parish of CHOBHAM.*

On Individuals.

		£	s.	d.
15 assaults.	11 decided at Bench, 3s. each	1	13	0
	4 in the parish, each 2s.	0	8	0
7 under Peel's Act.	4 at Bench, each 3s.	0	12	0
	3 in the parish, at 2s. each	0	6	0
	58 nonpayments of Poor-rate at Bench, at 2s.	5	16	0
		£8	15	0

On the Public.

		£	s.	d.
5 assaults.	Committed from Chertsey to Kingston gaol	2	15	0
	Annual average of constables' charges for the last four years	11	18	8¾
		14	13	8¾
For individuals		8	15	0
Total for the year		£23	8	8¾

CONSTABLE'S CHARGES for Cases before other Magistrates, for the same Parish and Year.

		£	s.	d.
Game Act.	Warrant	0	2	0
		0	2	0
	Brought down	8	15	0
Total for the year		£8	17	0

		£	s.	d.
2 Felonies.	To Horsemonger-lane, distance 28 miles, at 1s. per mile	3	0	0
1 felony.	To Guilford, distance 11 miles	0	12	0
1 wants sureties.	To Horsemonger-lane, 28 miles	1	10	0
Game Act.	To Guilford, 11 miles	0	12	0
		5	14	0
	Brought down	14	13	8¾
Total for the year		£19	7	8¾
		8	17	0
Total for the whole		£29	4	8¾

* See County-rate Commissioners' 2nd Report, page 105.

CONSTABLES' CHARGES for the Parish of COBHAM, from Oct. 1, 1835, to Oct. 1, 1836.

Cases. See Table A.	*To Individuals.*	£	s.	d.
1	J. Drew	0	2	0
2	S. Gorsden and Slyfield	0	2	0
3	J. Spong, D. Ginger	0	2	0
4	Heather, Searle, and Godfrey	0	2	6
5	J. Waters	0	2	0
6	Greener, Panther, Hampton	0	6	0
7	J. Waters	0	2	0
8	No constable employed	0	0	0
9	No constable employed	0	0	0
10	J. Smith	0	2	6
11	No constable employed	0	0	0
12	S. Garsden	0	2	0
13	S. Waters	0	2	0
14	T. North	0	2	0
15	S. Sutton, not taken	0	0	0
16	No constable employed	0	0	0
17	T. Baker	0	2	0
18	Stevens, Roberts, Spong	0	5	0
19	S. Waters	0	2	0
20	C. Dumble	0	2	0
21	W. Taylor	0	3	0
22	W. Williams	0	5	0
23	M. Stevenson	0	1	0
24	Thos. Taplin	0	3	0
25	J. Smith	0	5	0
¾ yr.	Serving summons for Poor-rates, attending Bench to prove service	3	0	0
	3 Assault cases	0	10	0
	2 Cases, 3 prisoners in each	0	6	0
	J. Smith and another	0	4	0
		£6	15	0

	To the Public.	£	s.	d.
5	Conveying J. Waters to Guilford gaol	0	12	0
7	Conveying J. Waters	0	12	9
8	Conveying C. Dane to Kingston-on-Thames	0	17	0
11	J. Day to Guilford	0	17	0
13	S. Walters to Guilford	0	12	0
14	T. North to Guilford	0	12	0
18	Stevens and Roberts to Guildford	0	13	0
19	S. Walters to Guilford	0	12	0
23	M. Stevenson to Guilford	0	12	0
24	Thos. Taplin to Guildford	0	12	0
	Searching for putative fathers	1	10	0
	*1 Prisoner taken to Horsemonger-lane	1	10	6
	2 Taken to Guilford	0	10	0
	J. Smith to Guilford	0	10	0
		£10	12	6

	£	s.	d.
Expenses to the Public	10	12	6
Expenses to Individuals	6	15	0
Constables' Bill for the year	16	1	0
Total for the year ending Oct. 1, 1836	£33	8	6

In parishes where two or more police are stationed, their residences should be double, similar to the houses occupied by the horse patrol round London, to which should be attached a strong room, in lieu of the present ruined houses, and so constructed as to prevent those within from having any communication with those outside; and so divided as to allow of keeping male and female prisoners apart, and, when necessary, prisoners under the same charge. I have felt the want of this (almost necessary)

* These cases for the parish of Cobham were taken by other magistrates.

convenience, for when it is requisite to remand a prisoner to the round-house till the wanting link in the evidence against him can be got, or his associates in crime arrested; his companions without being in full communication with him, he may thus put them in possession of what is wanting in his case, may warn his companions in guilt to keep out of the way, or tamper with the wanting witness; and money is always forthcoming from those associations amongst depredators to assist the detected, and often set the law at defiance. That these associations do exist to a very great extent I could prove beyond a doubt. I will state a case in point:—A few weeks since, Jasper Smith, a labourer, and out of work, was committed by another magistrate and myself for an offence under the game-laws; the fine and expenses amounted to 5*l.* 8*s.*, and although his conviction took place six miles from his residence, the money was paid in half an hour, having been collected in beer-shops in this parish.

It has attracted the notice of magistrates who usually attend assizes and quarter-sessions, that the worst characters (known by them to be without means) are always defended by attorney and counsel; and as the individuals of that profession do not in general advise or plead without fees, from whence does the money come? From the associations!

With an efficient police, the more frequent detection of criminals would soon teach these societies that the law was too strong for their means.

The beer-shops, too, would be obliged to reform themselves; from their being under proper inspection, they could no longer remain the emporiums of stolen property, for if they did, discovery and conviction would in most cases take place. The bad character would forsake them, and the higgler would be deprived of the impunity with which he now receives and conveys stolen property, as the suspicious ones would soon be known to the police, and detection follow.

Great relief would also be given to individuals, particularly the poorer class, in obtaining justice, as it would relieve them of constables' fees, 3*s.* out of 7*s.* or 8*s.*

Another great advantage to be derived from a general police would be getting rid of that useless delay which too often allows the worst of criminals to escape; because a constable, in the execution of his duty, has crossed a highway, or some less defined boundary of a division or county, he must travel perhaps six or seven miles out of his way to get the warrant backed by a magistrate of the county, who, not being in possession of any of the particulars of the charge or information, goes through the form of putting his signature on the back as a matter of course, and the culprit has that time to escape. Last year an information was laid before me late in the evening against Mark Stevenson, for robbing in a dwelling-house: the constable traced him that night to Egham (a distance of nine miles), and there got information that he had been seen at Staines, at which place he found him at a public-house: as soon as the constable entered the tap-room, Stevenson said to the constable, "You are no constable here; you are out of your county: and touch me if you dare;" when Stevenson attempted to make his escape, but having my orders to take him wheresoever he found him, the prisoner was handcuffed, but the constable was obliged to go four miles further to have the warrant made legal by being backed. I can state another case in which the delay caused by the constable being obliged to get a search-warrant backed allowed three felons to escape; for, although one, upon being taken, immediately acknowledged that he was guilty, and gave the names of his accomplices, and stated where the stolen property was at the time, it being necessary to remand him to the round-house, where he had uninterrupted communication with those outside, no doubt a hint was given to his accomplices, who, not being obliged to find a magistrate to back the stolen property, took advantage of the "law's delay," and escaped with the whole of the property, leaving the constable to search an empty house on his return.

With respect to the police generally enforcing the laws, there are some clauses in various Acts which have become quite a dead letter.

This is particularly the case with respect to a clause in that most valuable Act to rural parishes, "The Highway Act," which has conferred on the public many advantages, and has relieved the landholder and farmer, particularly the smaller ones, from unfair—inasmuch as they were disproportionate—charges for the highways. But one clause—viz., 74—if enforced, is calculated to be of the greatest benefit to every person, in clearing the roads of a dangerous nuisance—straying cattle,—and to the holder and occupier of land in particular, by saving him the expense and intolerable nuisance of continually having to clean out his ditches to be immediately trodden in again by straying cattle.

This clause requires the surveyor to impound cattle straying on the roads, but as he is appointed by vote in vestry, he finds it convenient not to see stray cattle belonging to voters. The police would not have this feeling.

Note.—There is another difficulty: the surveyor is required to find two magistrates—which is not easily done—to assess the costs and expenses, which may require two or three days; but should the owner demand the cattle before, the surveyor has nothing to guide him in his charges, and would not be justified in making any. There are two ways of meeting this difficulty, either by allowing one magistrate to decide, or authorizing the magistrates in petty sessions once a-year to make out a list of charges for keeping and impounding cattle at so much per day, on which all surveyors of the parishes in the division should act.

No. 10.

LETTER from W. WOLRYCHE WHITMORE, Esq., High Sheriff of Shropshire.

GENTLEMEN, *Dover, Jan.* 22, 1839.

I am anxious to address you on the important subject of a rural police. I have long been of opinion that our present system, if system it can be called, is most defective—that whatever might, in former times, have been the efficacy of a police, of which the parish constable is now the last remnant, it is at the present time of day "quite inadequate to the protection either of life or property,—and that, instead of repressing and preventing crime, it tends essentially, by its utter inefficiency, to promote it. I do not mean to assert that property or life are everywhere insecure, but that in so far as the police is concerned both are without protection; and that were it not that upon the whole the people are industrious, orderly, and disposed to keep, and aid in keeping, rather than in breaking the law, or screening offenders, there is no part of the rural districts where it would be safe to reside, or to adventure any portion of one's property." I hope and believe this favourable opinion of the people of England is generally true; but that places do exist where crime stalks abroad with all but impunity is also but too true. Witness the incendiarism to which large districts are exposed; witness the alarm which pervades the minds of men in other places, where what is called a bad spirit prevails; witness the long unchecked career of the poacher, the robber of hen-roosts, and the perpetrators of those other petty thefts to which rural districts are exposed. These last exist in every neighbourhood; many are well known, and exercise a species of tyranny over their poorer neighbours. It is against them, the weak and unprotected, their depredations are chiefly directed, and for such there is literally no safeguard. No neighbourhood is exempt from this scourge, and it really appears matter of chance whether any one may not be exposed to the still heavier infliction of being subject to the depredations of malefactors of a more desperate description. The quietest neighbourhood is often appalled by finding a gang growing up within it

whose whole life is devoted to plunder, and who proceed from one degree of guilt to another, until, after a long career in crime, they commit some atrocious act which arouses the tardy vengeance of the law, and extraordinary efforts are made to bring them to justice. But the grievance is, that this is not effected without extraordinary efforts. No ordinary means either of prevention of crime, or of bringing the daring offender to justice before he has completed the frightful circle of crime, exists. One abandoned character of superior mental powers is often the nucleus round which this gang of depredators congregates; his children are initiated in crime from their earliest infancy, and his neighbours, particularly the younger part, are gradually seduced by his example and teaching into the same vicious courses. Poaching is not unfrequently the beginning of his career, and it is the more seductive, inasmuch as the sport and risk wherewith it is accompanied is peculiarly alluring to the young and the bold; it, however, soon indisposes its followers for hard labour, and gradually prepares and stimulates them to more desperate enterprises. There is, however, another class of depredators, whose proceedings still more imperatively require the vigilance of an active police: I mean the itinerant, who strolls about the country, often in the guise of a beggar, and who is ever on the watch for prey. This class has of late much increased in the country districts, owing to the improved police of large towns, and the consequent difficulty of carrying on their trade in their old haunts. Every year this evil augments, and calls loudly for some alteration in the rural police, without which, indeed, it will soon amount to an intolerable grievance.

I have stated thus shortly the evil. I will now say a few words as to the remedy. It can obviously be found alone in a good police: the example of London shows what may be done by this engine. I believe the necessity of some change in this direction is becoming a general opinion, and must ultimately lead to the establishment of a new police of some description or other. Under these circumstances, it is of great importance to consider what should be its character, how appointed, and how controlled. It is but too probable an attempt will be made to have this force appointed and directed by the magistrates. Great as my respect is for this body, I am far from being of opinion this would be a desirable arrangement; but that, on the contrary, to derive the greatest advantage from it, it should be under the control of officers quite independent of the magistrates; that the police of the country should be one general system, under one head,—an extension, in fact, of the metropolitan police. My reasons for this opinion are,—first, that the appointment in the hands of the magistrates would, in a great number of instances, if not the majority, be a job; that favouritism, party, or local politics, or an active canvass, would have much more weight than the efficiency of the candidate. Secondly, that there would be no effectual control over it: that it would be, from the first, untrained, and therefore ignorant; shortly become supine and careless, and but too probably corrupt; its duties would be thus inefficiently performed, and great dissatisfaction would be in consequence felt at the additional expense thus thrown upon the public. There is great danger of this force becoming so unpopular as greatly to detract from its usefulness. At first it could not but be looked upon with jealousy by those whose money you take to pay for it; and it would only be after a full conviction that they were repaid by greater security both of money and person that the public would be reconciled to the additional taxation. Now let this force be in the hands of the magistracy, and you would immediately create a suspicion that its efforts would be directed more to the prevention of crime by which the magistrate and his class are injured than to its repression generally. The poacher, or depredator in the immediate neighbourhood of the magistrate, it would be thought, is watched with due attention, while the burglar, the highway robber, or the thief who plunders the cottage in the absence of its owners, will escape detection, or at least be enabled to carry on their operations at

a distance, with much greater chance of impunity. No doubt this would be an exaggerated feeling; but still it is too probable there would be some ground for it; indeed it is scarcely in human nature it should be otherwise. The attention of the magistrate would naturally be more awakened to the probability of crime, in which he or his neighbours would be sufferers, than to that of which he neither hears nor dreams until the deed has been perpetrated; and the policeman, partly to insure the favourable consideration of his patron, and partly because it is more easy to direct his attention to one or two classes of crime than to guard all the avenues by which it may assail the community, would as naturally be disposed to pay undue attention to them. Such crimes, too, would be more probably perpetrated by a resident than by an itinerant, and it would be much easier to ascertain the haunts and watch the proceedings of one residing in his district than to speculate on the conduct of a stranger, who was here to-day and gone to-morrow. The very circumstance of these trampers being strangers would be a serious objection to a police purely local. The old hand, though a a tramper, ought not to be quite unknown to any part of a police force established on good principles, and embracing the whole country. They are known somewhere; a description of them might easily be transmitted from one police-station to another; their progress might thus be watched, and their route anticipated, while the lodging-houses they usually frequent would be under stricter supervision on account of such information. I apprehend a magistrate's police would generally lose in efficiency from two other causes connected with the foregoing considerations; it would not be in sufficient strength in point of numbers, and would not command that active co-operation on the part of the mass of the people, without which the best police force would be unable to exercise its duties with the greatest effect: admit its unpopularity, arising from real or supposed inefficiency, and these results would follow as matter of course; the outcry raised upon the subject of the increased amount of county-rate would necessarily induce the magistrates to restrict the number, and consequently the expense, within the narrowest limits, and you would have to deplore a miserable parsimony, which, when applied to real public service, is the worst possible economy. Ascertained inefficiency in the prevention or detection of crime would as necessarily lead to the other. The weak and unprotected run great risks in the prosecution of offenders, unless the law is, in its exercise as well as its principles, strong enough to provide for their safety; and you would find, as now, numbers of outrages against property hushed up or concealed because it was dangerous to give information of them, or evidence against the known or suspected malefactor.

A magistrate's police would be under no constant or effectual supervision; and needful as this is in towns, it is of much greater consequence in the country, where the force must necessarily act so much more independently of each other and of all authority. In this view of the case it becomes necessary to consider who would appoint the officers, by whom they would be paid, and by whom kept in order. I apprehend it would never do for the magistrates to appoint the privates of the police, and Government, or some other authority, the officers; the clashing of such a state of things would be endless: if the former are to be named by the magistrates, so must the latter. What would be the consequence? the appointment would be much sought after; there would be an active canvass, as for every other appointment so made; favouritism; the fitness of the office for the man, rather than of the man for the office; the compassion felt for an individual in the rank of a gentleman, but with too slender means; connexion with some magistrate of influence; to say nothing of party and local politics, the bane of all that is good, and the origin and apology for almost all that is bad, in such appointments;—these considerations would, in far the majority of cases, influence the election; and you would find that the person on whose intelligence, activity, and experience the entire working of

a large and complicated machine depended, would, except by mere accident, be utterly unfit for the post. The remuneration, from the same cause which restricted the number of the police force, would be inadequate, and the control, except in gross cases of neglect or incompetency, without value. A good easy man, with some show of activity, who paid due regard to the suggestions of the magistrates, and looked narrowly after poachers, would be upheld at all risks; he might sleep over his other duties, and allow his time to be chiefly occupied in the pleasures of the table, or sports of the field, without a chance of having his tranquillity disturbed by any fear of dismissal.

Another objection to such a police force would be, that it would be stationary and local, and being always employed in the same neighbourhood, would gradually form connexions and habits inimical to the active and impartial discharge of its duties. The well-known public-house, the conveniently-situated beer-house, would be too much frequented, and the owners would willingly purchase some relaxation from police regulations by accommodating the policeman with gratuitous supplies of liquor, or by abstaining from pressing inconvenient scores upon his attention; thereby not only causing one part of his duty to be neglected, but superinducing habits of intemperance, utterly at variance with the discharge of the rest. I am not sure that other and more flagrant instances of corruption might not exist,—the receiver of stolen goods, the more wealthy depredator, that is, the originator and planner of thefts, which are intrusted for their execution to others, might find means to propitiate the policeman, whose habits were intemperate, and whose resources, compared with his expenditure, were small. It would, in a word, be a situation of great temptation, and would require the utmost vigilance to prevent abuses in those occupying it.

There is only one other point of view in which I will consider this force, and that is with reference to the peace of the country: nothing, I believe, is more effectual in its preservation, in preventing or repressing tumultuous assemblies with an unlawful object, than a well-organized police, under proper discipline, well trained, accustomed to act in a body, known to and knowing the officers; it acts at the critical moment, that is, at the commencement of the riot, before the passions are fully inflamed, and before the spectators have committed themselves with the leaders of the riot. Such a force at Bristol would have prevented the outrage which so much disgraced that city; such a force would have put down the Courtenay riot near Canterbury; and have prevented the incendiarism of the first, and the loss of life in both. But, effectual as such a force is when so organized, acting singly, on the contrary, without discipline or order, or as individuals, it would be useless, or even worse—worse, because it would probably be beaten, and it would afford just that triumph which rioters want to give them confidence and eclat.

From all these considerations, I am clearly of opinion a new police force is needed; and that, to render it effectual, it ought to be part and parcel of that established in the metropolis, and which has there been productive of such good effects.

I have the honour to be, Gentlemen,
Your obedient Servant, W. W. Whitmore.

To the Constabulary Force Commissioners.

No. 11.

Extract of a Letter from T. P. Kenyon, Esq., Acting Magistrate in the County of Salop, to Woolryche Whitmore, Esq.

That there should be a new and organized police; that that police should act under one superintendent; that they should communicate with him

and with each other; that they should be removeable from one locality to another, or be liable all to be assembled together to one spot; upon all these points I think we are all agreed. But I, as a single magistrate, am ready to go much further. I have no wish for the patronage of a single policeman, and am perfectly ready to agree that Government shall name them all; but I think the magistrates ought to have a negative power; and I think they ought to have the power to fine, or even discharge, in the event of misconduct or want of attention. If the police were altogether and absolutely exempt from any sort of control of the magistrates, they would soon learn to treat that body with disrespect; and though for a time they might pretend to pay attention to their suggestions, they would very soon consider them of little moment, and obey them or not as best suited their object. There is also this great difference between a rural and city police: in the latter the superintendent is at hand, and the magistrates may with ease send to him, if necessary; in a county this is not possible, and two or three days may pass before such superintendent can be able to attend. In that case, unless the magistrate had the power upon the spur of the moment to give positive orders to the police, the time for action might have expired. I must certainly agree with all that you say upon the subject of poaching, and indeed could go even further than you seem to go: but upon that point I will speak when we meet. With regard to that odious subject, politics, I can only repeat what I have said in public a hundred times, that it ought never to be thought of in the duties of a magistrate; but then, I must add, neither ought it to be thought of by Government in the appointment of a police force; neither should the recommendations of political partisans be taken in any one instance. I, for one, am ready to pledge myself not to recommend a single man.

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